United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, FIRST SESSION

Vol. 151 WASHINGTON, TUESDAY, MAY 24, 2005 No. 70

House of Representatives

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. PRICE of Georgia).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
May 24, 2005.

I hereby appoint the Honorable TOM PRICE to act as Speaker pro tempore on this day.

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

MORNING HOUR DEBATES

The SPEAKER pro tempore. 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 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

FUND CLEAN-UPS FOR CLOSED MILITARY BASES

Mr. BLUMENAUER. Mr. Speaker, this week, with the consideration of the defense authorization legislation and the military quality of life appropriation, Congress should deal with the hidden issue behind base closure: The toxic legacy of unexploded bombs and hazardous pollution left behind on our military bases.

This is part of a much larger problem. The Defense Science Board has reported that unexploded bombs contaminate an area bigger than the States of Maryland, and Massachusetts combined.

One out of ten Americans live within 10 miles of a former or current military site that contains hazardous waste identified for clean-up under the Federal Super Fund programs. Indeed, 34 bases shut down since 1988 are still on the EPA Super Fund lists of worst toxic waste sites.

Ten of these sites have groundwater mitigation contaminants that are not fully under control. One of the worst examples that comes to mind is the Massachusetts Military Reservation, a source of perchlorate, a toxic chemical, has contaminated 70 percent of Cape Cod's water supply, and more than 1,000 unexploded bombs have been discovered, some less than a half a mile from an elementary school.

Former military installations with unexploded bombs are located in hundreds of communities across the country. And this has serious consequences. The most tragic example was an unexploded bomb that killed two 8-year-old boys and injured a 12-year-old friend while they were playing in their San Diego neighborhood, the site of the former 32,000 acre Camp Elliot, used as a training site during World War II.

In Texas, South Carolina, California, Colorado, Massachusetts, and even here in Washington D.C., developers have built residential and business projects on land that has not been fully cleared of unexploded bombs.

Since I have been in Congress, three times fire fighters have had to be pulled out of the woods, in Alaska, Texas and Colorado, because the heat from the forest fire was detonating bombs.

Now, closed military bases can present significant opportunities for community assets. The former Lowry Air Force Base in Denver has generated an estimated $4 billion in economic activity for that region.

With careful planning, the facility made the successful transition to civilian use, including 4,500 new homes and more than a square acre of park land, two community colleges and other schools.

Glenview, Illinois, which lost its Naval Air Station in 1993, is another example that is now home to office space, retail stores, residences, golf course, park land and a train station. That has created 5,000 jobs and put another $1.5 billion into that local economy.

Yet the reality for communities facing BRAC now, according to the GAO, is that more than a quarter of the bases previously closed have not been cleaned up and transferred. And the main impediment is the bombs and chemical pollution.

Mr. Speaker, it is time for Congress to no longer be missing in action. When we look at like Fort Ord, closed in 1991, and after a decade of redevelopment only 25 percent of its transformation plan has been completed, in large measure because it has not been able to deal with the clean-up of the site.

So far the Army has cleared just 5 percent of the base's firing range. And they have already unearthed 8,000 live shells, in a job at this rate that could take 20 years.

Our communities deserve better. It is time for us in Congress to no longer be missing in action. We should do two things this week. First we should not pass the defense authorization bill without amending it to require that the military plan and budget to clean up the military bases that it has already closed, before starting a new round of BRAC.

Second, in the military quality of life bill, we should allocate funds to clean up unexploded bombs and dangerous pollution. To clean up the unexploded bombs just in the 1988 round would cost $69 million, clearly within our capacity. Indeed, I would argue that we

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ought to allocate the full $626 million to clean up all of the unexploded bombs and dangerous pollution in these sites.

We have an obligation to make sure that we follow through on the pledges to these commitments for the military to clean up after itself, and it is Congress's job to make sure it happens.

AGREEMENT ON JUDICIAL FILIBUSTERS

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

Mr. PALLONE. Mr. Speaker, the Republican quest for absolute power in Washington was temporarily halted by 14 Senators last night. A truly bipartisan group of Senators, 7 Democrats and 7 Republicans came together to save the Senate from moving forward with an extreme power grab that would have undermined the very checks and balances that have existed in our Nation for over 200 years.

Senator FRIST and the Senate Republican leadership were prepared to wage an unprecedented political power grab. They wanted to change the rules in the middle of the game and wanted to attack our historic system of checks and balances so they could ram through a small number of judicial nominees who otherwise could not achieve a consensus.

In reality, the power grab that the Senate Republican leadership was prepared to move ahead with today had very little to do with these seven extreme nominees. Instead, it was all an attempt by the White House and conservative interests groups to clear the way for a Supreme Court nominee who would only need 51 votes rather than 60.

Conservative interest groups and a large majority of Senate Republicans are not happy with the current make up of the Supreme Court. They do not want to see another David Souter or Anthony Kennedy nominated to the Supreme Court, even though they both were confirmed with nearly unanimous bipartisan support.

They prefer to see President Bush nominate a Supreme Court justice like Clarence Thomas, who because of extreme views could not garner strong bipartisan support. In Thomas's case he only received 52 votes, and has proven to be an extremist. If the Senate had proceeded with this extreme power grab, President Bush would have been able to appoint extreme right wing judges to the Supreme Court.

The president has already said that he most admires Justices Scalia and Thomas. How frightening to think of another Justice from that same mold.

Mr. Speaker, at the end of the day a group of 14 bipartisan Senators kept the Senate Republican leadership from moving forward with the extreme power grab. The bipartisan compromise was reached last night and shows that President Bush is not going to be able to ignore the moderate views of these Senators when he appoints future justices of the Supreme Court.

And that is good news for our Nation. There was simply no reason for the Senate to take the extreme measure of eliminating the minority's right for input on judicial nominees. In fact, the White House has manufactured the so-called judicial crisis.

Over the past 4 years, the Senate has confirmed 208 of his judicial nominations and turned back only 10. And that is a 95 percent confirmation rate, higher than any other president in modern time, including Presidents Reagan, Bush and Clinton.

In fact, it is thanks to these confirmations that President Bush now presides over the lowest court vacancy rate in 15 years. Now, Mr. Speaker, despite what Senate Republicans are saying today, judicial nominees have not always received an up or down vote on the Senate floor. In fact, back in 2000, it was Senate Republicans that attempted to filibuster two of President Clinton's appointments to the 9th Circuit Court.

Senator FRIST, the architect of the power grab voted to continue a filibuster of Clinton nominee, Richard Paez. There are also other ways Senators can prevent a nominee from receiving an up or down vote on the floor. Judicial nominees can and have been stalled in the Senate Judiciary Committee. More than one-third of President Clinton's appeals court nominees never received an up or down vote on the floor because Senator, HATCH, then the chairman of the Judiciary Committee refused to bring the nominees names up for a vote in the committee.

It is extremely disingenuous of Senator FRIST to say that all nominees are entitled to an up or down vote, when he himself helped Senate Republicans block President Clinton's nominees in the late 1990s. You did not hear Senator FRIST demanding an up or down vote then.

Now, the bipartisan agreement reached last night will keep two of the President's extreme nominees from moving forward. And I would hope the President would learn from last night's action that unlike the House, the Senate is not a chamber that is going to rubber stamp his extreme views.

Let us hope that President Bush was listening and will resist nominating extreme judges to our courts in future.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 10 a.m.

Accordingly (at 9 o'clock and 13 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. KLINE) at 10 a.m.

PRAYER

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

Lord God, friend of all, but especially the poor and the alienated, the widow and the orphan, You are not only the foundation of faith, but the model of generosity for Your people.

Out of Your goodness we are created. Out of Your love we are sustained. Out of Your hope for us You give us freedom. Help us personally to grow in Your image and likeness.

May this Nation, under the leadership of this Congress, grow also in responsible freedom and generous service to those most in need of protection, diligent attention, and steady encouragement.

We will never fail to meet our responsibilities, Lord, if we are truly dedicated to You, the Most High, and give to others as You have given to us, if we live with grateful and generous hearts today, 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 New York (Mrs. MALONEY) come forward and lead the House in the Pledge of Allegiance.

Mrs. MALONEY 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. 188. An act to amend the Immigration and Nationality Act to authorize appropriations for fiscal years 2005 through 2011 to carry out the State Criminal Alien Assistance Program.

The message also announced that pursuant to section 1928a–1928d of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the following Member as Acting Vice Chairman to the NATO Parliamentary Assembly for the spring meeting in Ljubljana, Slovenia, May 2005:

the Senator from Vermont (Mr. LEAHY).

STEM CELL RESEARCH

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

Mr. DELAY. Mr. Speaker, today on the floor of the House, we will momentarily suspend the annual spring appropriations debates to provide a vital and noble service to the American people. We will consider two bills that transcend both party and politics and oblige us to engage in a moral and metaphysical inquiry into the very nature of man.

If it sounds a little more sobering and important than the regular goings on around here, well, we can only hope, Mr. Speaker.

The first bill to be considered under suspension of the rules, and sponsored by the gentleman from New Jersey (Mr. SMITH), would, for the first time, direct Federal funding for research on the stem cells found in umbilical cords of newborn children.

Well-developed cord-blood stem cells, unlike stem cells obtained via the destruction of human embryos, have proven valuable in the treatment of disease, 67 of them to be precise, including leukemia and sickle cell anemia. The Smith bill will direct funds for improved research and therapies using these proven cord-blood cells while expanding the existing Federal bone marrow stem cell research program as well. It will pass with bipartisan support because none of its provisions predicate its available funding upon the destruction of human life.

Unfortunately, Mr. Speaker, of the second bill on the calendar today, sponsored by the gentleman from Delaware (Mr. CASTLE), the same cannot be said. The Castle bill is both divisive and, to put it bluntly, dismissive of the dignity of human life at its embryonic stage. It has, therefore, incited loud, and in too many cases, harsh, advocacy on both sides of the debate.

But even in the midst of vocal unrelenting support for and opposition to the Castle bill, we must recognize that this is one of those issues that has no easy answers. Proponents of the Castle bill, try as they might to find wiggle room, will vote to fund with taxpayer dollars the dismemberment of living distinct human beings for the purposes of medical experimentation. And those who oppose the bill, as I do, will do nothing less than to block Federal funding for what could, in theory at least, represent a potential advance in scientific inquiry.

Given the lack of nuance of our political and media culture, Congress is unfortunately facing a perceived choice between supporting on the one hand children unlucky enough to be born with debilitating diseases, and on the other, children unlucky enough to be unwanted by the clinic customers who had them created in the first place.

Talk show rhetoric notwithstanding, Mr. Speaker, there are no easy choices. This is not a debate between science and ideology, as some would have us believe, nor is it a debate between those who care about human life and those who do not. No one in this body is unmoved by the plight of diseased victims. We have friends and family members among them. Nor is anyone insensitive to the ethical ramifications of a medical practice that purports to save some lives by destroying others. But, after all, that is why we were elected: not to make the easy choices, but to make the hard ones.

We will argue one of those choices today, and I urge everyone on both sides of the issues to do so with vigor and with respect. Our decision today, quite literally a matter of life and death, is a necessary and important step in our national conversation about the kind of people we will be in a world of ever more promising and ever more unnerving medical technologies. Lives will be changed, and perhaps ended, because of the path that we choose today.

Today's debate will be our privilege to conduct and witness, Mr. Speaker, and I have every confidence all sides will do so with the respect and compassion this issue deserves.

SPACE ACTIVITIES SHOULD BE DEVOTED TO PEACE

(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, this week I will offer an amendment to the defense authorization bill, cosponsored by the gentleman from Massachusetts (Mr. TIERNEY), the gentlewoman from New York (Ms. SLAUGHTER), and the gentleman from California (Mr. GEORGE MILLER), which will reaffirm the policy of the National Aeronautics and Space Act of 1958, signed into law by President Eisenhower, that it is the policy of the United States that activities in space should be devoted to peaceful purposes for the benefit of all mankind.

This amendment will reaffirm that it is U.S. policy to preserve peace in space by not deploying space-based weapons. Today's New York Times states: ''Congress and the administration need to assess whether a multilateral treaty to ban space weapons might not leave the Nation far safer than a unilateral drive to put the first weapons in space.''

Please support my amendment, cosponsored by the gentleman from Massachusetts (Mr. TIERNEY), the gentlewoman from New York (Ms. SLAUGHTER), and the gentleman from California (Mr. GEORGE MILLER) to keep space devoted to peaceful purposes for the benefit of all mankind; and support H.R. 2420, now cosponsored by 28 Members of the House, which sets the stage for a multilateral treaty to keep space devoted to peaceful purposes.

HEALTH INSURANCE PATIENT OWNERSHIP PLAN

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

Mr. PRICE of Georgia. Mr. Speaker, as a third-generation physician, I have seen our health care system drive patients and doctors further and further apart. The problem with our current system is that patients are prevented from having immediate control and ownership over critical health care decisions.

Right now, employers or the government determine which health benefits are included in an insurance policy, and it may not be what the patient needs or wants. When patients voice their concerns, insurance companies respond with a deaf ear because the patient cannot change the policy. They are excluded from that decision.

Nearly nine out of ten companies with fewer than 200 employees offer only one health plan. What this means is that the person most affected by the health care, the patient, has little or no input into the type of coverage they have. Patients should be able to control their health care.

Mr. Speaker, we should think about health care in a way that gives patients the power to select who takes care of them and where, that puts health care choices back in the hands of patients.

Defined contribution plans do this, and they are the hallmark of H. Res. 215, the Health Insurance Patient Ownership Plan. I ask my colleagues for their support on this new initiative.

STEM CELL RESEARCH

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

Mrs. MALONEY. Mr. Speaker, the President wants to create a culture of life. Stem cell research offers scientists the opportunity to extend life and the quality of life for current and future generations of Americans. In fact, stem cell research offers mankind continued insight into life itself.

Who among us has not had a loved one look at us through the vacant eyes of Alzheimer's, tremble with Parkinson's as they reached for a glass of water, or watched a child inject themselves daily with insulin? How many more lives must be ended or ravaged? How much more unimaginable suffering must be endured until government gives researchers the wherewithal to simply do their jobs?

With all speed, this body must pass the Castle-DeGette Stem Cell Enhancement Research Act. Life is too precious to wait any longer.

STEM CELL THERAPEUTIC AND RESEARCH ACT

(Mr. RYUN of Kansas asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. RYUN of Kansas. Mr. Speaker, the goal of stem cell research should be to help our fellow human beings. The debate on this issue has, unfortunately, moved into dangerous unethical territory when perfectly moral alternatives exist.

Rather than debating about unethical methods of research, effective, principled alternatives should be sought out that successfully treat patients and offer potential channels for further treatment and research. There are countless opportunities besides embryonic stem cell research that have proven successful.

Adult stem cells have shown great potential and have effectively helped patients. Another alternative is cord-blood stem cells. These are a neglected resource that could be used to treat a diverse body of people. Evidence has demonstrated that cord-blood stem cells have treated a variety of problems, such as spinal cord injuries and neurological diseases.

By supporting H.R. 2520 later today, progress can be made in finding solutions to many medical questions we have to face. H.R. 2520 provides an ethical solution to this issue, and I encourage my colleagues to support it.

STEM CELL RESEARCH

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

Mrs. CAPPS. Mr. Speaker, today the House can vote to give millions of Americans suffering from diseases new hope. Patients, doctors, and scientists are desperately awaiting the potential that stem cell research has for treating diseases like Alzheimer's, ALS, cancer, heart diseases, diabetes, spinal cord injuries, and so many others.

My State of California is already on the way. Californians overwhelmingly support this research and decided not to tie the hands of our scientists, not to block the promising new opportunities that stem cell research affords.

Now our Congress has the opportunity to follow suit. This is the kind of research we wanted when we created the National Institutes of Health. Federally funded research ensures that the public benefits and that the research is ethically conducted.

I urge my colleagues to support H.R. 810.

YOUNGER GENERATION IMPORTANT IN DISCUSSIONS OF SOCIAL SECURITY

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

Mr. CONAWAY. Mr. Speaker, during the month of May, many parents and grandparents, as myself, will begin to celebrate college graduations and high school graduations of the next generation of workers in this country. This is the group that we should be engaging in the debate on Social Security reform. This is the group that stands the most risk if the current system cannot sustain itself.

I encourage my colleagues to engage this group of individuals as we begin this debate, to help them understand how important it is that we put back the security in Social Security for this generation, and that we help them understand the role that a safety net of Social Security has within an overall retirement package.

So I encourage my colleagues on both sides of the aisle to begin this debate with these newly fresh-minted graduates as they take their place in exciting new careers and as they conduct their lives and help us with Social Security.

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URGING SUPPORT FOR H.R. 810, STEM CELL RESEARCH ENHANCEMENT ACT OF 2005

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

Mr. BASS. Mr. Speaker, today we will take up H.R. 810, the stem cell research bill; and I agree with the distinguished majority leader. The debate that we have today will be about life and death. It will be about the lives of many millions of children who have diabetes, who want to live a fulfilling life and have hope for finding cures at some point in the future, about those who are paralyzed, about those who have congenital heart problems, about those who suffer from cancer and Alzheimer's and other diseases, debilitating diseases.

We need to give the scientific community an opportunity to address these important issues and to do so in such a fashion that is ethical, that has adequate government oversight, that does not allow other countries around the world to take over. Indeed, Mr. Speaker, H.R. 810, with its 200 cosponsors, will pass today because America wants to find cures for these diseases and not leave it to other countries around the world.

Mr. Speaker, I urge my colleagues in the House to support H.R. 810.

STEM CELL RESEARCH ENHANCEMENT ACT OF 2005

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

Mr. CLEAVER. Mr. Speaker, as Americans, we continually strive toward progress. Today we find at our disposal a tool for healing that is unlike any the world has previously known, a tool with the potential to cure our most terrible diseases and ease the suffering of over a half million Americans in my State alone.

Our Nation is blessed with the greatest minds and resources on the planet. My district, Missouri five, there are two citizens, Jim and Virginia Stowers, who have dedicated their personal fortune of nearly $2 billion to conduct basic biomedical research and fight these diseases. The Stowers Institute employs brilliant researchers from more than 20 countries to use these tools to bridge the gap between diseases and cures.

Across the United States, Americans are voicing their support for stem cell research. Poll after poll after poll shows that Americans, regardless of political affiliation or religion, support using stem cell research as a tool to fight diseases. As a fourth generation ordained minister, I am delighted to be able to support H.R. 810 to ease the suffering.

PROTECT ZARA AND THE SNOWFLAKES

(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, I am a big supporter of stem cell research. But I do not support the dissecting and destruction of living human embryos to do so.

Steve Johnson from Reading, Pennsylvania, agrees with me. A bicycle incident, an accident, he had 11 years ago replaced his bike with a wheelchair. He has heard that embryonic stem cells might help him walk again. For Steve, though, that is unacceptable, using embryos. The way that H.R. 810 would find those cells is through the destruction of IVF living embryos. He and his wife, Kate, adopted his daughter, Zara, as an embryo from an IVF clinic when she was just a frozen embryo. And H.R. 810 would have killed Zara as an embryo for her stem cells.

There are 20 others like this child here in town today—the ''snowflakes''—babies who developed from embryos given by their biological parents to a couple unable to conceive on their own. If H.R. 810 were law, there is a good chance they would not be here at all. They are living human embryos, and there are many of them that should be adopted, not dissected.

The sad thing is that Steve is more likely to be treated not with embryonic stem cell research but with stem cells from his own body. Adult stem cell treatments are helping people walk today, in 67 different diseases and treatments. The proponents of H.R. 810 can produce no such results. There are none for embryonic stem cells.

IN SUPPORT OF H.R. 810, STEM CELL RESEARCH ENHANCEMENT ACT OF 2005

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

Mr. HOLT. Mr. Speaker, we will be hearing a great deal today about the humane and helpful and hopeful research of embryonic stem cells. This is an advance similar to advances in past years of blood transfusions and organ transplants. And to be fair, some patients do not want to take part in blood transfusions and organ transplants for personal reasons.

However, for most Americans, embryonic stem cell research falls well within public ethical standards. It is something that we should be supporting.

We will hear from some today that cord blood and adult stem cells hold promise. Not nearly so much promise as embryonic stem cells. Supporting cord blood research at the expense of supporting embryonic stem cell research is like buying a Schwinn bicycle to travel across the country. Potentially useful, but it is not likely to get us there.

This is something that is well within the public ethical norms. We should be supporting H.R. 810.

HONORING THE REVEREND DOUG WESTMORELAND

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

Mrs. BLACKBURN. Mr. Speaker, one of the privileges we have from time to time is to stand and recognize those in our community who do good, who improve the quality of life, who make our communities a better place to live.

And today I have that opportunity to recognize Reverend Douglas Westmoreland, the pastor of Tusculum Hills Baptist Church in Nashville, Tennessee. In June of 1975, 30 years ago, Reverend Westmoreland answered the call and began sharing his ministry with the members of Tusculum Hills Baptist Church.

It is my privilege today to join with those members and to thank him for his appreciation of the congregation, for his guidance he has given the congregation and the inspiration that he has given not only to the congregation but also to our entire community. We thank Reverend Westmoreland for his continued service, and I thank the Members of this body for joining me in honoring him.

THE ISSUE OF FEDERAL FUNDING FOR EMBRYONIC STEM CELL RESEARCH

(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, we are going to take up a bill this morning that would greatly expand Federal funding for embryonic stem cell research, and that is the issue this morning, the issue of Federal funding for this process. The question is, are we going to use taxpayer dollars for destruction of human embryos in order to further a certain line of research?

President Bush in 2001 outlined his policy. There are 78 stem cell lines available at the National Institutes of Health available for study. Today's bill would in fairness expand those lines but would do so at the expense of human embryos that would be human embryos destroyed with taxpayer dollars.

Mr. Speaker, there is no prohibition on any couple who has an embryonic at an IVF clinic, at a reproductive endocrinologist clinic, who wishes to donate that embryo to a private lab for development into a stem cell line. That can happen today. There is no such prohibition.

But, Mr. Speaker, the issue today is whether or not we are going to use taxpayer dollars to fund that process. I believe the President had it right in 2001. It was correct to put parameters and boundaries around this research.

URGING MEMBERS TO SUPPORT FEDERAL FUNDING OF STEM CELL AND CORD BLOOD RESEARCH

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

Mr. COOPER. Mr. Speaker, if Members are interested in finding a cure for Parkinson's disease, diabetes, cancer, and many other of the dread diseases that we face, please vote for this stem cell bill today and please vote for the cord blood bill today. They need to vote for both.

The narrow issue may seem whether we expand federally funded research into embryonic stem cell work, but I think a better way to view the issue is whether we allow the continual discarding of embryos from IVF clinics or whether we allow those to be used for productive and life-giving research. This is a very important moment for this House. I would urge all of my colleagues to do the right thing for the future of our kids and grandkids because this research needs to be conducted. It needs to be conducted with Federal support. It needs to be conducted here in America.

There was a break-through just last week in South Korea. Are we going to send our loved ones overseas in order to get this lifesaving research? We should do it here.

URGING SUPPORT FOR H.R. 2520 AND H.R. 810, STEM CELL RESEARCH

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

Mr. CASTLE. Mr. Speaker, I just left a press conference; and four of the speakers there spoke about their diseases, none of which could be cured by adult stem cell research: a form of cancer, Parkinson's, juvenile diabetes, and a person who is a paraplegic.

There is absolutely no doubt in my mind that every single one of us has many constituents who have been to our offices over the years who have had these problems and have come to our offices for help. This is not the time to allow bad science or ideology to get in the way of doing what is right for the people of this country and of the world. There are 110 million people in the United States of America who potentially could be helped by embryonic stem cell research.

I have just been going through what some of the experts have said. One said: ''Umbilical cord and embryonic stem cells are not in any way interchangeable,'' David Scadden, co-director of the Harvard Stem Cell Institute.

The National Institutes of Health said: ''Human embryonic stem cells are thought to have much greater developmental potential than adult stem cells. This means that embryonic stem cells may be pluripotent, that is, able to give rise to cells found in all tissues of the embryo except for germ cells rather than being merely multipotent.''

''The bottom line, as far as I'm concerned, is we just don't know at this point what each can do, and we ought to be investigating both,'' Dr. Joanne Kutzberg at Duke University.

One expert after another has said that there is tremendous potential there. Let us not let it go to waste. Vote ''yes'' on both of these bills.

AGAINST FORCING PRO-LIFE COMMUNITY TO FUND EMBRYONIC STEM CELL RESEARCH

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

Mr. PENCE. Mr. Speaker, I have enormous respect for the gentleman from Delaware (Mr. CASTLE) and for the sincerity of his purpose in bringing forward legislation today that would fund the destruction of human embryos for the purpose of scientific research with Federal tax dollars.

Mr. Speaker, I am not a scientist. I do know that there have been more than 60 successful treatments using adult stem cells; there have been zero treatments developed using embryonic stem cells.

But let us be clear today about this debate. Embryonic stem cell research today, despite my objection and the objection of tens of millions of pro-life Americans, embryonic stem cell research is legal in America today. It goes on using private dollars every day. The debate on the floor today that the gentleman from Delaware just referred to, his legislation has to do with using Federal tax dollars to fund research that involves the destruction of human embryos. I believe it is morally wrong to destroy human embryos for the purposes of research, but I believe it is

doubly morally wrong to force millions of pro-life Americans to see their tax dollars used to support research that they find morally offensive.

Let the debate begin.

PROVIDING FOR CONSIDERATION OF H.R. 2419, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2006

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 291 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 291

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2419) making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except for section 104. Where points of order are waived against part of a paragraph, points of order against a provision in another part of such paragraph may be made only against such provision and not against the entire paragraph. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. KLINE). The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 1 hour.

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

(Mr. LINCOLN DIAZ-BALART of Florida asked and was given permission to revise and extend his remarks.)

□ 1030

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, H. Res. 291 is an open rule that provides for the consideration of H.R. 2419, the Fiscal Year 2006 Energy and Water Development Appropriations bill. The rule provides 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule also provides one motion to recommit, with or without instructions.

I would like to take a moment, Mr. Speaker, to reiterate that we bring forth this resolution under a fair and open rule.

Historically, appropriations bills have come to the floor of the House governed by open rules. We continue to do so in order to allow each and every Member of this House the opportunity to submit amendments for consideration, obviously as long as they are germane under the rules of the House.

This legislation before us today, Mr. Speaker, appropriates almost $30 billion for the U.S. Army Corps of Engineers, the Departments of the Interior and Energy, and several independent agencies. This bill is truly fiscally sound, representing a reduction of $131.7 million from the fiscal year 2005 legislation and the same spending level as was requested by the President in his budget request. At the same time, Mr. Speaker, this legislation provides the resources necessary to address the energy and water needs of the United States.

H.R. 2419 provides $4.7 billion for the U.S. Army Corps of Engineers. The Corps is the world's premier public engineering organization, responding to the needs of the Nation in peace and in war. For over 200 years the Corps has been involved in such important missions as flood control, shoreline prevention, navigation and safety on the waterways of this great Nation. The vital work of the Corps will continue under this act, which includes a vigorous civil works program.

The bill also includes a number of significant changes to improve project execution and financial management, including more responsible use of reprogramming, continuing contracts and implementation of long-term financial planning.

I would like to highlight a Corps project of particular interest to my community, the Comprehensive Everglades Restoration Program. The restoration of the Everglades, that wonder of nature, is the largest and most significant environmental initiative that this country has ever undertaken. The legislation continues our commitment to the restoration of this environmental treasure with an appropriation of $137 million. I am pleased to report that Everglades restoration is moving forward expeditiously and effectively. Congress, and the Committee on Appropriations especially, should be proud of this environmentally sound action.

The National Nuclear Security Administration, which includes the nuclear weapons program, defense nuclear nonproliferation, naval reactors and the Office of the Administrator, is funded at $8.8 billion, an increase of $24 million over fiscal year 2005. I am glad to see that the appropriators increased this program. Nonproliferation is essential to the defense of the homeland. Our work across the globe, especially in Russia, makes it ever more difficult for rogue states and terrorists to obtain the weapons necessary to attack the United States or our Armed Forces abroad or our allies.

I would like to thank the gentleman from California (Chairman LEWIS) and the gentleman from Ohio (Chairman HOBSON) for truly extraordinary work on this important legislation. I urge my colleagues, Mr. Speaker, to support both the rule and the underlying bill.

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

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

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

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

Mr. Speaker, I look forward to today's consideration of H.R. 2419, which reflects much thought and long-term planning on behalf of the Committee on Appropriations. This year's energy and water bill means a great deal to my constituents and to my home in Sacramento.

Sacramento's history has long been intertwined with flood control. When the city endured a near catastrophic flood in 1986, the community quickly realized they did not have nearly the level of flood protection necessary to fully safeguard the region. After the city again faced more floods in 1997, the community set off to achieve 200-year flood protection. However, until that day arrives, flooding remains a very constant and real threat, and continued Federal assistance plays an important role to attaining that goal.

In spite of years of efforts, Sacramento still remains one of the most flood-prone and threatened cities in the country, paling in comparison to the level of protection enjoyed by other river cities. According to the U.S. Army Corps of Engineers, Sacramento's flood risk is among the highest of major urban areas in the country.

Located at the confluence of the Sacramento and American Rivers, Sacramento is the hub of a six-county regional economy that provides 800,000 jobs for 1.5 million people. A major flood along the American River would cripple this economy, cause between $7 billion and $16 billion in direct property damages and likely result in significant loss of life. The risk of serious flooding poses an unacceptable threat to the safety and economic well-being of Sacramento and to California's State Capitol.

With the steady support of Congress, Sacramento has already made good progress toward our initial goal of

achieving 100-year flood protection for the region and ultimately moving as quickly as possible towards 200-year flood protection. At the beginning of this year, FEMA revised its flood maps for the majority of Sacramento to reflect 100-year flood protection. But this level of flood protection is still a far cry from the protection afforded other large river cities and at least 100,000 people and 1,500 businesses continue to be at high risk in the south Sacramento area.

Fortunately, as a result of long, bipartisan negotiations, Congress has authorized a suite of projects that will achieve 200-year flood protection. Upon completion of the authorized projects to improve area levees, modify the outlets at Folsom Dam and raise Folsom Dam by 7 feet, Sacramento will attain its long-term flood control goal. I deeply appreciate the Committee on Appropriations's commitment to funding these projects to help give Sacramento the level of flood protection that it both needs and deserves.

I am also quite pleased with the work that the committee has done to ensure Corps projects are executed in an efficient manner with improved financial management. For example, the work necessary to achieve 200-year flood protection will take 15 to 20 years to complete. The committee is asking that the Corps develop a 5-year plan and a vision for water infrastructure in the country. The current year-by-year strategy would not be an efficient manner to plan for the significant financial demands. This would ultimately compromise the ability to implement the region's flood control projects. Efforts to comprehensively interrogate financial planning and project management in the Corps will greatly benefit not only the execution of the projects, but also the local and State partner's ability to plan their budget.

It is certainly understandable that no matter how extensive the planning and preparation for a project, that as it moves forward, it may get off schedule. With that in mind, it is certainly helpful for the Corps to be able to reprogram funding to projects that can keep progressing. But this should only happen if the Corps can return the funding back to the project the funds originally came from. To not do so is a complete disregard of congressional directive. In such tight financial times, the Corps must curb this practice.

I strongly support the committee directive that the Corps specifically identify all of the funding owed to projects as a result of reprogramming. I also believe integrating this funding into the Corps budget will help clear the books and assist the Corps in efficient project execution and financial management.

By working together, the Congress, the administration and the Corps of Engineers will be better prepared to ensure limited Federal resources are spent efficiently, commitments to local sponsors are honored and projects remain on schedule.

I would also like to take a moment to acknowledge the committee's work determining funding priorities for the Department of Energy. This year's Energy and Water Appropriations bill highlights the committee's focus on other long-range issues, noticeably their commitment to nuclear nonproliferation.

Sadly, this President's go-it-alone approach has been ineffective in reducing the threat by cooperating and working with our allies and others around the world to bring economic, social and political pressure to bear on any country trying to gain nuclear weapon capabilities.

It is illogical to expect any other nation to listen to Americans speak of nonproliferation when we are developing bunker-busting nuclear weapons. I stand with the committee's position to stop nuclear earth penetrator research. Considering the vast amount of nuclear material that is not secured in the former Soviet Union, I believe it is a much better investment to fund the Sustainable Stockpile Initiative. Through this program, we will be able to increase our Nation's security by keeping their Cold War-era nuclear weapons and materials from falling into the hands of terrorist organizations.

My one disappointment with this rule, Mr. Speaker, is that yesterday afternoon the Committee on Rules refused to make in order a good amendment offered by the gentlewoman from Pennsylvania (Ms. SCHWARTZ). Her amendment would provide the Department of Energy an additional $250 million to accelerate energy research, development, demonstration and deployment. This investment will help our Nation harness technology to secure greater independence from foreign sources of energy. As we face rapidly rising prices for crude oil and gasoline at the pump, I believe this issue is very timely and of great relevance to our debate today about the funding priorities for the Department of Energy.

This bill moves our country forward on many levels, from improving local water infrastructure, to bigger-picture Corps of Engineers financial management and efficiency issues, to global issues like nuclear nonproliferation. I strongly support the underlying bill and am pleased it was reported in a bipartisan fashion.

Mr. Speaker, I yield 3½ minutes to the gentlewoman from Pennsylvania (Ms. SCHWARTZ).

Ms. SCHWARTZ of Pennsylvania. Mr. Speaker, I rise in opposition to the rule under consideration.

Yesterday, I asked the Committee on Rules to provide a waiver so that the House could consider my amendment to create the energy technology to power the 21st century initiative which would provide $250 million to accelerate the research, development, demonstration and deployment of new energy technologies and make our Nation less reliant on foreign energy. Unfortunately, my request was denied along party lines.

Mr. Speaker, there is no question much of our energy supply is controlled by foreign nations. Just as we are trying to improve national security, we have failed to complement these efforts with the energy policies that would move us towards greater energy independence.

The recently passed Energy Policy Act failed to adequately invest in renewable energy and conservation, directing $600 million to these efforts while allocating more than 40 percent of the bill's $8.1 billion in tax cuts, that is, $3.2 billion, toward the oil and gas industries, the same traditional resources that in large part we depend on foreign countries for.

Mr. Speaker, if we do not change our focus, our country's consumption of oil will only increase. By 2025, oil usage will increase to 28.3 million barrels per day, with imports accounting for 19.68 million of those barrels. Leaving our energy security in the hands of international oil barons is a foolish and dangerous approach.

□ 1045

That is why I wanted to offer an amendment to the fiscal year 2006 Energy and Water Appropriations Act that would provide the Department of Energy with $250 million to accelerate the research, development, demonstration, and deployment of new energy technologies.

Mr. Speaker, the benefits of controlling our own energy sources are enormous. A down payment of $250 million would spur much-needed work in the emerging sector of energy technology. We could bring to bear reliable and successful methods of wind, solar, biomass, hydrogen, and other forms of energy. It could bring new ways to bring cleaner, safer, and more efficient energy with more traditional sources, including coal and oil. It would put the United States on a course to energy independence, something we all talk about.

It would also help maintain our standing as a world leader with regard to scientific discovery by establishing a 21st-century engine to discover new, more efficient, cleaner energy sources for the future. We would help to create new, high-paying jobs and keep the United States on the cutting edge of science and technology. With appropriate investments, consumers as well as businesses will have greater, rather than fewer, and less expensive options.

In the end, shifting our energy economy means improved national security, more American jobs, a stronger economy, and a cleaner environment. It is time to demand action on policy initiatives that will set the United States free from its reliance on imported oil.

I urge a ''no'' vote on the previous question.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

With regard to an amendment that was allegedly not made in order, I want to reiterate, Mr. Speaker, that we brought forth this legislation under an open rule. Obviously, an amendment has to be germane and not violate the rules of the House. We very much attempted to bring forth this appropriations bill under an open rule, and we are pleased that we were able to do so, and obviously that permits the amendment process to be wide open and obviously fair.

Mr. Speaker, I yield 3 minutes to the gentleman from Nevada (Mr. GIBBONS), my distinguished friend and a great leader in this House.

Mr. GIBBONS. Mr. Speaker, I thank my good friend and colleague for allowing me today to rise in support of the rule, but in opposition to the underlying bill. First, I would like to thank the chairman, the gentleman from California (Mr. DREIER), for allowing me time to speak on an issue that is very important to my home State of Nevada.

Mr. Speaker, since the proposal of Yucca Mountain over 2 decades ago, Nevadans have collectively fought against this ill-advised project. I hope that one day I can come to the House floor and tell the people of Nevada that they no longer need to worry about this disastrous proposal. Unfortunately, Mr. Speaker, today is not that day.

I agree with my colleagues that we must find a solution to the escalating energy problem in this country. However, digging a hole in the Nevada desert and burying the waste is simply not the answer. The Yucca Mountain project was based on 1980s science and technology and has no place in our country today. We need to focus on 21st-century solutions like reprocessing and transmutation processes to reduce our nuclear waste. Going forward with the Yucca Mountain project is like still using cassette tapes or even 8-track stereo tapes in an era of MP3 players and Ipods.

In addition to this disregard of modern technology, it seems now the DOE does not even care about ensuring the science they are basing the project on, outdated or not, is even accurate. I met with Secretary Bodman, along with the rest of the Nevada delegation, and we discussed the recent scandal regarding the falsification of science from some employees directly involved in the project. Despite the manipulation of the data and the complete disregard for quality assurance that the employees have shown, the Secretary demonstrated absolutely no willingness to review the Yucca Mountain project.

I know most of my colleagues are not following this issue as closely as we are in Nevada; but for the sake of government accountability, we must halt this project until we have time to fully investigate these accusations.

As Members of Congress, we are entrusted with responsibly spending the taxpayers' dollars, and now is the time for us to stand up and demand that the Department of Energy be accountable for its actions. We are only wasting our constituents' tax dollars by pumping money toward a project that continues to crumble from the inside.

Mr. Speaker, I urge my colleagues to reject the funding levels for Yucca Mountain in the underlying bill. However, I will support the rule so that we can move forward with debate on this very important issue.

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

I will be asking Members to oppose the previous question. If the previous question is defeated, I will amend the rule so that we can consider the Schwartz amendment that was offered in the Committee on Rules last night, but rejected on a straight party-line vote.

Mr. Speaker, the Schwartz amendment proposes an important new initiative to help the United States reduce our dependence on imported oil and strengthen our national security. It would provide the Department of Energy with an additional $250 million next year to accelerate the research and deployment of energy technology that will reduce our country's consumption of fossil fuels.

I also want to point out that the cost of this amendment is fully paid for and will not increase the deficit by one penny. The funding for this amendment will come from a small, less than 1 percent reduction in a tax cut for people making over $1 million this year.

A ''no'' vote will not prevent us from considering the Energy and Water Appropriations bill, but a ''no'' vote will allow Members to vote on the Schwartz amendment. However, a ''yes'' vote will prevent us from voting on this responsible and aggressive approach to help our Nation out of its dependency on foreign oil.

At this point, Mr. Speaker, I ask unanimous consent to insert the text of the amendment immediately prior to the vote.

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

There was no objection.

Ms. MATSUI. Mr. Speaker, vote ''no'' on the previous question so that we can have an opportunity to vote on the Schwartz amendment.

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

GENERAL LEAVE

Mr. LINCOLN DIAZ-BALART of Florida. 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. 291.

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

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

This is an important appropriations bill, and it is one that we are pleased, obviously, to bring forward under the great tradition of open rules. So I very strongly support not only the underlying legislation but also the rule, and I would ask for an affirmative vote by all of our colleagues on the previous question as well.

Mr. HASTINGS of Washington. Mr. Speaker, while I am not present for today's debate on this rule or on the underlying Fiscal Year 2006 Energy and Water Appropriations bill due to an illness in my family, I do urge my colleagues to support both measures.

This is an open rule and allows for full debate on funding for the Army Corps of Engineers, Bureau of Reclamation, and all programs and activities of the Department of Energy in the next fiscal year.

Writing this bill was a challenging task, as Subcommittee Chairman HOBSON had over $130 million less to spend in Fiscal Year 2006 than was spent in Fiscal Year 2005. I commend Chairman HOBSON for the tremendous leadership he has shown in constructing this bill and for garnering bipartisan support for it in both his Subcommittee and the full Appropriations Committee. I fully expect it will pass this House with strong bipartisan support as well.

I particularly want to thank Chairman HOBSON for the continued commitment he has shown to the Department of Energy's Environmental Management program and cleanup of the Hanford site in Washington state. The Administration's proposed budget reductions at Hanford would have jeopardized the progress and cleanup momentum that has been achieved through accelerated cleanup over the past 3 years and put cleanup deadlines in jeopardy of being missed. The restoration of over $200 million for Hanford in this bill will ensure that cleanup momentum continues, the Department has the ability to meet its legal timelines, and that skilled workers remain on the job.

The Federal government has a legal and moral obligation to cleanup Hanford and the Nation's other nuclear waste sites, and this bill ensures that these promises are kept.

In addition to significantly restoring funds to Hanford's budget, this bill provides funding for preservation of the B Reactor, for operation of the Volpentest HAMMER training facility, and for the critical effort to develop replacement lab space for Pacific Northwest National Lab scientists who will soon be required to vacate their current workspaces for cleanup work. PNNL is home to world-class researchers and ensuring they are able to continue their work is important for our Nation and for the economic future of the TriCities community in Washington state.

While water project funding is much tighter this year due to overall spending constraints, I am pleased that several important Washington state initiatives were included in this bill. Scarce funds will be used to continue the progress on the Bureau or Reclamation study of additional water storage in the Yakima River Basin that I began in 2003. Additional funding is also provided for work to address depletion of the Odessa Subaquifer, the Port of Sunnyside's wastewater treatment and wetland restoration project, and the deepening of the Columbia River channel.

I urge my colleagues to support this rule and to support passage of the underlying Energy and Water Appropriations bill.

The material previously referred to by Ms. MATSUI is as follows:

PREVIOUS QUESTION H. RES. 291—RULE FOR H.R. 2419, FY06 ENERGY AND WATER APPROPRIATIONS

At the end of the resolution, add the following new sections:

SEC. 2. Notwithstanding any other provision of this resolution, the amendment printed in section 3 shall be in order without intervention of any point of order and before any other amendment if offered by Representative Schwartz of Pennsylvania or a designee. The amendment is not subject to amendment except for pro forma amendments or to a demand for a division of the question in the committee of the whole or in the House.

SEC. 3. The amendment referred to in section 2 is as follows:

AMENDMENT TO H.R. 2419, AS REPORTED

OFFERED BY MS. SCHWARTZ OF PENNSYLVANIA

Page 19, line 5, insert ''(increased by $250,000,000)'' after ''$1,762,888,000''.

Page 45, after line 8, insert the following:

SEC. 503. In the case of any taxpayer with adjusted gross income in excess of $1,000,000 for the taxable year ending in calendar year 2006, the amount of tax reduction for the taxpayer for such year resulting from enactment of the Economic Growth and Tax Relief Reconciliation Act of 2001 (Pub. L. 107–16) and the Jobs and Growth Tax Relief Reconciliation Act of 2003 (Pub. L. 108–27) shall be reduced by 0.78 percent.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. MATSUI. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 219, nays 190, not voting 24, as follows:

[Roll No. 203]

YEAS—219

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—190

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dicks
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McGovern
McIntyre
McKinney
McNulty
Meehan
Melancon
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Waxman
Weiner
Woolsey
Wynn

NOT VOTING—24

Boehlert
Brady (TX)
Burton (IN)
Cardoza
Delahunt
Dingell
Gohmert
Hastings (WA)
Istook
Jones (NC)
Kuhl (NY)
McDermott
Meek (FL)
Meeks (NY)
Millender-McDonald
Poe
Pryce (OH)
Reynolds
Rush
Sanchez, Loretta
Walsh
Watt
Wexler
Wu

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1115

Messrs. BISHOP of New York, ORTIZ, RUPPERSBERGER, BERMAN, GENE GREEN of Texas, Ms. WASSERMAN SCHULTZ and Ms. SOLIS changed their vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. POE. Mr. Speaker, due to other obligations, I unfortunately missed the following vote on the House floor today, Tuesday, May 24, 2005.

Had I been able to vote, I would have voted "yes" on rollcall vote No. 203 (On Ordering the Previous Question—Providing for consideration of the bill (H.R. 2419) making appropriations for energy and water development for FY 2006).

The SPEAKER pro tempore (Mr. KLINE). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HOBSON. 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. 2419 and that I may include tabular material on the same.

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

There was no objection.

MAKING IN ORDER AMENDED VERSION OF H.R. 2419, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2006

Mr. HOBSON. Mr. Speaker, I ask unanimous consent that during consideration of H.R. 2419, pursuant to House Resolution 291, the amendment that I have placed at the desk be considered as adopted in the House and in the Committee of the Whole and considered as the original text for purpose of further amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment to H.R. 2419 offered by Mr. HOBSON:

Add at the end the following:

This Act may be cited as the ''Energy and Water Development Appropriations Act, 2006''.

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

There was no objection.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2006

The SPEAKER pro tempore. Pursuant to House Resolution 291 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2419.

□ 1120

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2419) making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes, with Mr. GOODLATTE in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from Ohio (Mr. HOBSON) and the gentleman from Indiana (Mr. VISCLOSKY) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. HOBSON).

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

Mr. Chairman, it is my pleasure to submit to the House for its consideration H.R. 2419, the Energy and Water Development Appropriations Bill for fiscal year 2006.

The Committee on Appropriations approved this bill unanimously on May 18, and I believe it is a good bill that merits the support of the entire House.

Mr. Chairman, this bill provides annual funding for a wide range of Federal programs including such diverse matters as flood control, navigation improvements, environmental restoration, nuclear waste disposal, advanced scientific research, applied energy research, maintenance of our nuclear stockpile, and nuclear non-proliferation.

Total funding for energy and water development in fiscal year 2006 is $29,746,000,000. This funding amount represent a decrease of $728,000 below the budget request and $86.3 million below the current fiscal year. This bill is right at our subcommittee's 302(b) allocation and provides adequate funds to meet the priority needs of the House.

Title I of the bill provides for the Civil Works Program of the Army Corps of Engineers; the Formally Utilized Sites Remedial Action Program, which is executed by the corps; and the Office of the Assistant Secretary of the Army for Civil Works. The Committee recommends a total of $4.746 billion for title I activities, $294 million below the current year and $414 million above the current budget request.

I want to explain a couple of things about the corps as we go through this and take a little time on this because some of this is a change.

For a number of years, the corps Civil Works Program has been oversubscribed where Congress kept giving the corps more and more projects to do but not enough money to do them. We took steps last year to put the corps on the road to fiscal recovery by eliminating the number of new starts and concentrating resources on the completion of ongoing construction projects. We also asked OMB to adopt a new approach to future corps budget requests so that we can use our limited resources to complete the most valuable projects efficiently, instead of spreading those resources very widely to make incremental progress across a large number of projects.

The fiscal year 2006 budget request adopts such a performance-based approach for the corps budget. Proposing to use the ratio of remaining costs to remaining benefits is the primary determinant of which construction projects should receive priority consideration for funding. While this ratio may not be a perfect measure of merit of all the projects, the budget request represents good faith from the OMB to concentrate the corps' limited resources on finishing the most worthwhile projects that are already under construction.

Until we begin to clear out the enormous backlog of ongoing work, we are reluctant to start new projects; therefore, we did not include any new starts again this year in this bill.

One consequence of adopting this new performance-based approach to the corps is that the funds available for member adds for corps projects are very limited this year. In part, this is because for the first time in years we received a budget request in which many congressional priorities are already at the funded level. I think this is an improvement. However, even with that request as a good starting point, the total amount that we can provide for the corps is less than what the House passed in fiscal year 2005.

With a healthy base request and a lean 302(b) allocation, we did not add as much for Member projects as we have in previous years. We were harsh, but fair, in how we dealt with these Member projects.

Our fiscal year 2006 Energy and Water bill makes major strides to improving the corps' project execution reprogrammings and continuing contracts. For a workload of approximately 2,000 projects, the Chief of Engineers recently told me that the corps had 2,000 projects, but they had 20,000 reprogrammings. We think this is not good management, and we have done a lot in our bill to try to focus the corps on these continuing contracts.

The problem is that the corps has done a lot of reprogrammings. They have moved funds around. We believe this is a case management problem. We have taken extensive efforts to try to reform this program because we think that they may not have the money to restore what they should, and if there is a big plume in all of this, that they cannot really tell us what it is all about.

Another area that we have a problem with is in the continuing-contract area. Some people would like to get rid of continuing contracts. I do not happen to believe that. I think it is a tool that they need, but we need to make sure that they are not using them to excess and they are not using them to do things that either the administration did not want to fund, we did not want to fund, or the Senate did not want to fund; and that this money is not being shifted around or execution is being done that would inhibit our ability in future years to fund programs by the original funding by the corps.

The Department of Energy received a total of $24.318 billion in the Energy and Water bill. That is an increase of $105 million over the budget request, about $101 million less than the fiscal year 2005 level. As with the corps, we asked the Department of Energy to begin preparing 5-year budget plans, first for individual programs and then an integrated plan for the Department. I think this is just good money management within these Departments. We need 5-year plans. We actually need longer visions in these programs so that we know what we are going to end up with in the waterways in the future and we know what the Department of Energy's plans are in the future.

The committee has several important new initiatives for the Department of Energy. DOE presently has significant quantities of weapons-usable special nuclear materials, plutonium and highly enriched uranium, scattered around its complexes. Unfortunately, even with the heightened attention to homeland security after the 9/11 attacks, the Department has done little to consolidate these high-risk materials. We

have provided additional funds for material consolidation initiative and direct DOE to take aggressive action to consolidate its weapons-usable uranium and plutonium into fewer, more secure sites.

We think this is not only a security problem, but it costs us a lot of money and we think we can do better.

We also propose a spent fuel recycling initiative to stimulate some fresh thinking on how this country deals with its spent nuclear fuel. I want to state that I fully support the Yucca Mountain Repository, and our bill fully funds the request for Yucca Mountain in fiscal year 2006. It is critical that we get Yucca Mountain done and done right and done soon. However, we continue to be frustrated by the delays in getting the repository open, and we are concerned about what will happen after that first repository is built.

The Department of Energy estimates that each year of delay on Yucca Mountain costs the government an additional billion dollars, half from the legal liability for DOE's failure to begin accepting commercial spent fuel beginning in 1988, as required by the law, and the other half from the costs. In addition, the authorized capacity of Yucca Mountain will be fully utilized by the year 2010 with no place to dispose of spent fuel generated after that date.

It is time to rethink our approach on spent fuel. We need to start moving spent fuel away from reactor sites to one or more centralized, above-ground interim storage facilities located at DOE sites. If we want to build a new generation of nuclear power reactors in this country, we have got to demonstrate to investors and the public that the Federal Government will live up to its responsibilities under the Nuclear Waste Policy Act and to take title to commercial spent fuel.

□ 1130

I would note that we are already storing foreign reactor fuel on DOE sites. It is time we do the same for our domestic spent fuel. This may help to limit the billions of dollars of legal liability facing the Federal Government for its failure to accept commercial spent fuel for disposal.

It is also time to think about our reluctance to reprocess spent fuel. The Europeans are doing this very successfully, and there are some advanced reprocessing technologies in the research and development phase that promise to reduce or eliminate some of the disadvantages of the current chemical process.

We add funds to the Nuclear Waste Disposal account and direct the Secretary to begin accepting commercial spent fuel in fiscal year 2006 for interim storage at one or more DOE sites. We also include additional funds and direction within the Nuclear Energy account for the Secretary to select an advanced reprocessing technology in fiscal year 2007 and to establish a competitive process to select one or more sites for an advanced fuel recycling facility.

Lastly, the committee recommends a new Sustainable Stockpile Initiative to ensure the future of our Nation's nuclear deterrent. The committee provides additional funds for the Reliable Replacement Warhead that we initiated in last year's conference report. We placed the Reliable Replacement Warhead in the context of a larger Sustainable Stockpile Initiative, which we view as a package deal with several key components.

First, the Reliable Replacement Warhead is a program to reengineer existing warheads to be safer, more secure, cheaper to maintain, easier to dismantle and, more importantly, easier to certify without underground testing.

Secondly, we propose a modest slowdown of Life Extension work on the old warheads in preparation for a shift to the newer replacement warheads. This is coupled with a significant increase in dismantlement rates to bring down the stockpile to match the President's decision about the size of the stockpile by the year 2012. Frankly, in the long run, I am hopeful the Secretary's task force on the Nuclear Weapons Complex will propose some sensible steps to modernize the DOE Weapons Complex and bring it into line with these coming changes in the size and composition of the stockpile.

The committee provided for an aggressive nuclear nonproliferation program within the National Nuclear Security Administration. We provided an additional $65 million to keep the plutonium producing reactor shutdown program with the Russians on track to have all three reactors closed by 2011. The committee also provided $85 million additional for the Russian material protection program to secure nuclear materials overseas.

We made a significant reduction to the domestic MOX plant because of the large unexpended prior-year balances in that project, caused by the continued liability dispute with the Russians. Given the constrained budget environment, the committee cannot continue to appropriate hundreds of millions of dollars for a construction project that has been delayed for 3 years.

I believe this is a responsible bill that makes sound investment decisions for the future of our agencies. Members will not receive as many water and energy projects as they may have liked, but we did take care of their top priorities. Hopefully, we did that everywhere.

I want to thank all the Members of the Subcommittee on Energy and Water Development, and Related Agencies for helping to bring this bill to the floor today. I especially want to thank my ranking member, the gentleman from Indiana (Mr. VISCLOSKY), for his extraordinary cooperation this past year. In my opinion, this is truly a bipartisan bill that represents a hard-fought but ultimately fair and balanced compromise. This is the way I believe our constituents expect their Representatives to work together.

I also want to thank the chairman of the Committee on Appropriations, the gentleman from California (Mr. LEWIS) and the ranking minority member, the gentleman from Wisconsin (Mr. OBEY), for their support and for allowing us to move this bill forward in such an expeditious manner.

Lastly, I want to thank the staff of the committee: Kevin Cook, our clerk; John Blazey, Scott Burnison, Terry Tyborowski, and Tracy LaTurner for their work on this bill. I also want to thank Dixon Butler of the minority staff and Kenny Kraft, from my office, and Peder Moorbjerg from the Visclosky office.

I want to especially acknowledge our agency's detailees, Taunja Berquam and Felicia Kirksey, for their invaluable assistance in putting this bill and report together.

It is a shared bill. We all work together and talk to each other, and I want to thank everybody for working together to get this bill this far.

Mr. Chairman, it is my privilege to submit to the House for its consideration H.R. 2419, the Energy and Water Development Appropriations Bill for fiscal year 2006. The Appropriations Committee approved this bill unanimously on May 18, and I believe this is a good bill that merits the support of the entire House.

Mr. Chairman, this bill provides annual funding for a wide range of Federal programs, including such diverse matters as flood control, navigation improvements, environmental restoration, nuclear waste disposal, advanced scientific research, applied energy research, maintenance of our nuclear stockpile, and nuclear nonproliferation. Total funding for energy and water development in fiscal year 2006 is $29.746 billion. This funding amount represents a decrease of $728,000 below the budget request and $86.3 million below the current fiscal year. This bill is right at our subcommittee's 302(b) allocation, and provides adequate funds to meet the priority needs of the House.

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For a number of years, the Corps Civil Works program has been oversubscribed, where Congress kept giving the Corps more and more projects to do, but not enough money to do them all. We took steps last year to put the Corps on the road to fiscal recovery, by limiting the number of new starts and concentrating resources on the completion of ongoing construction projects. We also asked the Office of Management and Budget to adopt a new approach to future Corps budget requests, so that we can use our limited resources to complete the most valuable projects efficiently, instead of spreading those resources very widely to make incremental progress across a large number of projects.

The fiscal year 2006 budget request adopts such a performance-based approach for the Corps budget, proposing to use the ratio of remaining costs-to-remaining benefits as the primary determinant of which construction projects should receive priority consideration for funding. While this ratio may not be the perfect measure of merit for all projects, the budget request represents a good-faith effort from the Office of Management and Budget to concentrate the Corps' limited resources on finishing the most worthwhile projects that are already under construction. Until we begin to clear out the enormous backlog of ongoing work, we are very reluctant to add new projects to the pipeline. Therefore, we did not include any new starts or new project authorizations for the Corps in this House bill.

One consequence of adopting this new performance-based approach to the Corps budget is that the funds available for Member adds for Corps projects are very limited. In part, this is because, for the first time in years, we received a budget request in which many congressional priorities are already funded at a reasonable level. However, even with that request as a good starting point, the total amount that we can provide for the Corps is less than what the House passed in fiscal year 2005. With a healthy base request and a lean 302(b) allocation, we did not add as much for Member projects as we have in previous years. We were harsh but fair in how we dealt with these Member requests.

Our fiscal year 2006 Energy and Water bill makes major strides toward improving the Corps' project execution, reprogrammings, and continuing contracts. Let me talk for a moment about these interrelated issues. For a workload of approximately 2,000 projects, the Chief of Engineers recently told me that the Corps does about 20,000 reprogrammings each year. We have GAO reviewing the Corps reprogrammings, and they tell us that the Corps has reprogrammed funds for amounts as small as 6 cents. This is not sound financial management, and suggests that the Corps is more focused on moving money around frequently to meet the Corps' determination of project needs, irrespective of the allocations provided in annual appropriations. Instead, the Corps should be managing its workload within the project allocations provided by Congress. Much of this problem is driven by the Corps' misplaced emphasis on expending 99 percent of their funding every year, and they move money around freely between projects to meet that goal. We take steps to tighten up the reprogramming guidelines and to limit the Corps' ability to make such frequent funding shifts. We expect the Corps to execute the program that Congress gives them, not simply take the funds that Congress appropriates and then shuffle the money around to the Corps' own priorities.

Continuing contracts are a related problem. Under this mechanism, the Corps can obligate the Federal Government for funding future fiscal years. In some cases, the Corps is awarding continuing contracts for projects that received no appropriation in fiscal year 2005, or have not been included at all in the budget request for fiscal year 2006. Also, the Corps uses accelerated earnings on continuing contracts to pay its contractors more than is appropriated for a project in the current fiscal year. In part, these accelerated earnings on continuing contracts are one of the drivers for the Corps extensive reprogrammings, and also one of the mechanisms the Corps uses in its pursuit of the 99 percent expenditure goal. This practice has to stop, and we include language limiting the Corps' ability to obligate the government in excess of appropriations.

The Department of Energy receives a total of $24.318 billion in the Energy and Water Development bill, an increase of $105 million over the budget request but $101 million less than the fiscal year 2005 level. As with the Corps, we task the Department of Energy to begin preparing 5-year budget plans, first for individual programs and then an integrated plan for the entire Department. This plan must include business plans for each of the DOE laboratories, so we understand the mission and resource needs of each laboratory.

The committee includes several important new initiatives for the Department of Energy. DOE presently has significant quantities of weapons-usable special nuclear materials, plutonium and highly enriched uranium, scattered around the complex. Unfortunately, even with the heightened attention to homeland security after the 9–11 attacks, the Department has done little to consolidate these high-risk materials. We provide additional funds for a Material Consolidation Initiative and direct DOE to take aggressive action to consolidate its weapons-usable uranium and plutonium into fewer, more secure sites.

We also propose a Spent Fuel Recycling Initiative to stimulate some fresh thinking on how this country deals with its spent nuclear fuel. I continue to support the Yucca Mountain repository, and our bill fully funds the request for Yucca Mountain in fiscal year 2006. It is critical that we get Yucca done right, and done soon. However, we continue to be frustrated by the delays in getting that repository open, and we are concerned about what happens after that first repository is built. The Department of Energy estimates that each year of delay on Yucca Mountain costs the government an additional $1 billion, half from the legal liability for DOE's failure to begin accepting commercial spent fuel beginning in 1998, as is required by law, and the other half from the costs. In addition, the authorized capacity of Yucca Mountain will be fully utilized by the year 2010, with no place to dispose of spent fuel generated after that date. It is time to rethink our approach to dealing with spent fuel. We need to start moving spent fuel away from reactor sites to one or more centralized, above-ground interim storage facilities located at DOE sites. If we want to build a new generation of nuclear reactors in this country, we need to demonstrate to investors and the public that the Federal Government will live up to its responsibilities under the Nuclear Waste Policy Act to take title to commercial spent nuclear fuel. I would note that we are already storing foreign reactor fuel on DOE sites—it is time we do the same for our domestic spent fuel. This may help to limit the billions of dollars of legal liability facing the Federal Government for its failure to accept commercial spent fuel for disposal.

It is also time that we think again about our reluctance to reprocess spent fuel. The Europeans are doing this successfully, and there are some advanced reprocessing technologies in the research and development phase that promise to reduce or eliminate some of the disadvantages of the current chemical processes. We add funds to the Nuclear Waste Disposal account and direct the Secretary to begin accepting commercial spent fuel in fiscal year 2006 for interim storage at one or more DOE sites. We also include additional funds and direction within the Nuclear Energy account for the Secretary to select an advanced reprocessing technology in fiscal year 2007 and to establish a competitive process to select one or more sites for an advanced fuel recycling facility.

Lastly, the committee recommends a new Sustainable Stockpile Initiative to ensure the future of our Nation's nuclear deterrent. The committee provides additional funds for the Reliable Replacement Warhead, which we initiated in last year's conference report. We place the Reliable Replacement Warhead in the context of the larger Sustainable Stockpile Initiative, which we view as a package deal with several key elements. First, the Reliable Replacement Warhead is a program to re-engineer existing warheads to be safer, more secure, cheaper to maintain, easier to dismantle, and most importantly, easier to certify without underground nuclear testing. Second, we propose a modest slow-down of Life Extension work on the old warheads in preparation for a shift to the newer Replacement Warheads. This is coupled with a significant increase in dismantlement rates to bring down the stockpile to match the President's decision about the size of the stockpile by the year 2012. In the long run, I am hopeful that the Secretary's Task Force on the Nuclear Weapons Complex will propose some sensible steps to modernize the DOE weapons complex and bring it into line with these coming changes to the size and composition of the stockpile.

The committee provided for an aggressive nuclear nonproliferation program within the National Nuclear Security Administration. We provided an additional $65 million to keep the plutonium producing reactor shutdown program with the Russians on track to have all three reactors closed by 2011. The committee also provided $85 million additional for the Russian material protection program to secure nuclear material overseas. We made a significant reduction to the domestic MOX plant because of the large unexpended prior year balances in that project caused by the continued liability dispute with the Russians. Given the constrained budget environment, the committee cannot continue to appropriate hundreds of millions of dollars for a construction project that been delayed for 3 years.

I believe this is a responsible bill that makes sound investment decisions for the future of our agencies. Members will not receive as many water or energy projects as they might like, but we did take care of their top priorities.

I want to thank all the members of the Energy and Water Development Subcommittee for their help in bringing this bill to the floor today. I especially want to thank my Ranking Member, Mr. VISCLOSKY of Indiana, for his extraordinary cooperation this past year. This is truly a bipartisan bill that represents a hard-fought but ultimately fair and balanced compromise. This is why I believe our constituents expect their representatives to work together. I also want to thank the Chairman of the Appropriations Committee, Mr. LEWIS, and the Ranking Minority Member, Mr. OBEY, for their support and for allowing us to move this bill forward in an expeditious manner.

Lastly, I would like to thank the staff of the Subcommittee—Kevin Cook, John Blazey,

Scott Burnison, Terry Tyborowki, and Tracey LaTurner—for their hard work on this bill. I also want to thank Dixon Butler of the minority staff, and both Kenny Kraft from my office and Peder Maarbjerg of Mr. VISCLOSKY's office. I especially want to acknowledge our agency detailees, Taunja Berquam and Felicia Kirksey, for their invaluable assistance in putting this bill and report together.

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

Mr. VISCLOSKY. Mr. Chairman, I yield myself such time as I may consume, and I want to pick up where my chairman, the gentleman from Ohio (Mr. HOBSON), left off and also personally thank the staff, because without their able assistance, we would not be here today and the product before this Chamber would not be of the quality that it is.

So I do want to personally thank Terry Tyborowski and Tracy LaTurner of the majority staff, as well as John Blazey, Scott Burnison, and Kevin Cook. On the minority side, although again, as the chairman pointed out, this was a bipartisan effort, Dixon Butler.

We have core detailees: Felicia Kirksey and Taunja Berquam, and I appreciate very much their help, as well as Kenny Kraft from the Chairman's office, and Peder Moorbjerg from mine.

Mr. Chairman, I would want to thank Chairman HOBSON, first of all, for his very good work; as I mentioned in subcommittee and full committee, his fairness, his judicious temperament, the fact that he is a gentleman, and also that he has exercised a great deal of foresight and leadership over the last 3 years as chairman of the subcommittee.

I certainly feel that the chairman has outlined the elements of the value of the legislation before us very fairly. I would prefer to take somewhat of a different tack, this being my seventh bill as a ranking member, and illustratively point out the three areas of the bill where over the last 3 years the chairman has had a direction, he has exercised leadership and courage, and has provided us with an excellent work product.

The first area is the area of high-performance computing, an area where the United States invented the field and long held undisputed leadership in the world. Several years ago, however, that leadership was challenged. In the House bill for fiscal year 2004, the committee recommended an increase in funding to enable the Department of Energy to acquire additional advanced computing capability and to initiate longer-term research and development. The Department used $25 million of these funds to engage a team, including Oak Ridge National Lab and Cray Computer, to pursue a leadership-class supercomputer and the next-generation computer architectures.

Despite being faced with budget constraints, the Department of Energy Office of Science sustained this increase in 2005. However, pursuing a $100 million-plus leadership-class machine with level funding was not going to put us back in the lead. So, once again, the committee recommended an increase to the request to support the Office of Science initiative to develop the hardware, software, and applied mathematics necessary for a leadership-class supercomputer to meet scientific computational needs.

This year, the President's request for fiscal year 2006 pulled back from the strong support favored by the Congress, and such a cutback would tend to undermine the progress towards actually achieving a leadership-class U.S. supercomputer. So the recommendation before us today increases funding for advanced scientific computing research by $39 million: $25 million for hardware, $5 million for computational research, and $9 million for competitive university grants to restore the ongoing level of core research in this area that the President's budget recommendation cut.

By taking the long-term perspective of the last 3 years and sustaining support for a highly desirable outcome, the chairman and the committee and all of its members are doing their part to ensure that the U.S. reasserts its technological leadership.

The second area that has been a subject of concern for a number of years, in an area where we reduced funding, is Laboratory Directed Research and Development. It is an area that grew out of all proportion to its value at the beginning of this decade. This area also raised concerns of financial oversight and the use of Federal funds for purposes for which it was not appropriated.

As an initial effort to get its arms around this program, which reached an aggregate funding level in fiscal year 2003 of $365 million, the committee mandated a comprehensive report on projects from the Department of Energy and initiated a GAO investigation. In developing recommendations for last year's bill, the committee based its guidance and statement of concerns on the results of those investigations and reports.

This year, the President's budget, recognizing the concerns of the committee and the constraints on funding, reduced the percentage allowed for lab-directed research at weapons labs from 6 percent to 5 percent. The committee today is recommending that lab-directed research be limited explicitly to $250 million for 2006, to be allocated to the labs by the Department of Energy. A quarter billion dollars is a healthy level of funding that could be used to fix many problems in energy research and water infrastructure, to name but two.

As we state in the report, the committee recognizes the value of conducting discretionary research at the national laboratories, but we have now brought the funding level to this research back within reason and given it a sense of direction.

And my last illustration, if you would, of a sense of direction that we have had over the last 3 years is in the area of nuclear weapons. It is the most sensitive area of activities under the Energy and Water Development appropriations.

Here, under Chairman HOBSON's courageous leadership, denial of funding has been effectively used to chart a safer and more efficient course for the future of our nuclear deterrents. In particular, coming into fiscal year 2004 appropriations, the President was asking for funds for a robust nuclear earth penetrator, for studies of new nuclear weapons potentially for new missions, for funds to proceed with the preparation of a modern pit facility to manufacture 450 plutonium triggers, and a shift to an 18-month readiness posture for a return to underground nuclear testing. Taken together, these policy initiatives signaled a shift in nuclear weapons policy.

In 2004, the committee, among other things, reduced funding for the robust nuclear earth penetrator to $5 million from $15 million, ultimately agreeing to $7.5 million in conference; zeroed out funds for proceeding with the modern pit facility; and held the test readiness posture at 24 months.

Most significantly, in 2004, $4 million of the funds for advanced weapons concepts were fenced so that they could not be spent until the administration delivered a nuclear weapons stockpile plan. Without this action, there is no doubt that the plan would not exist. Today, it does.

In fiscal year 2005, the committee went further and zeroed funding for the earth penetrator, while maintaining a 24-month test readiness posture.

The committee has taken a constructive approach in trying to positively influence better policies. At the insistence of the committee, reasonable new approaches have been funded, including a reliable replacement warhead. In this year's bill, the committee is solidifying the progress made last year and in the previous year.

First, advanced concepts was missing from the President's request and is essentially no longer under consideration. Secondly, the earth penetrator funding is again zero in the committee recommendation, and third, test readiness posture is held to 24 months. Finally, the reliable replacement warhead concept was included in the President's request. The committee is working to accelerate the implicit transformation of the newest nuclear deterrent stockpile by increasing funds to $25 million, while slowing programs extending the life of old weapons.

Essentially, in this bill as well, Mr. Chairman, we are taking an advanced look. We have called for the Army Corps of Engineers, the Bureau of Reclamation, as well as the Department of Energy to undertake 5-year plans in programs.

This is an exceptional piece of legislation, and I would ask my colleagues to support it.

I recommend that all members join me in supporting this bill. Its preparation has been bipartisan and the Chairman has been fair throughout its preparation. I would add my appreciation to the staff led on the majority side by Kevin Cook. He is joined by Terry Tyborowski, John Blazey, Scott Burnison, and Tracy LaTurner. They are a strong team. On the minority staff, I would thank Dixon Butler. This year we have two fine detailees from the Army Corps: Taunja Berquam helping the majority and Felicia Kirksey helping the minority. I would also thank Kenny Kraft on Chairman HOBSON's staff and Peder Maarbjerg on my staff.

This is my seventh year as ranking member on the Energy and Water Development Appropriations Subcommittee. In a few professions in our society seventh years are sabbaticals and times for reflection. In the Congress, we can't take a year off, but I feel compelled to reflect. During my years on this Committee it has been my privilege to serve with five subcommittee chairmen, and now, it has been my pleasure to serve with DAVE HOBSON for three years. During this time, Chairman HOBSON has led our subcommittee to take a long-term perspective on a number of important issues and this is resulting in some profound and positive changes. Here are three examples.

High Performance Computing is an area where the United States invented the field and long held undisputed leadership in the world. Several years ago, that leadership was challenged by Japan with their development of the Earth Simulator. In the House bill for FY 2004, the Committee recommended an increase of $40 million to enable DOE to "acquire additional advanced computing capability . . . and to initiate longer-term research and development on next generation computer architectures." Ultimately, $30 million of this increase was included in the final conference report. The Department used $25 million of these funds to engage a team including Oak Ridge National Lab and Cray Computer to pursue a leadership-class super computer and next generation computer architectures.

Despite being faced with budget constraints, the DOE Office of Science sustained this increase in the President's FY 2005 budget. However, pursuing a $100 million plus leadership-class machine with level funding of $25 million per year will never put the United States back in the lead. So once again, the Committee recommended an increase of $30 million to the request "to support the Office of Science initiative to develop the hardware, software, and applied mathematics necessary for a leadership-class supercomputer to meet scientific computation needs." It must be noted that the Committee insisted that at least $5 million of this increase be reserved for computational research and not allow additional funds to go to hardware alone.

In the face of an even more constrained funding environment, the President's request for FY 2006 pulled back from the strong support favored by the Congress. Such a cutback, if sustained, would tend to undermine the progress toward actually achieving a leadership-class US supercomputer. So, the recommendation before us today increases funding for advanced scientific computing research by $39 million—$25 million for hardware, $5 million for computational research, and $9 million for competitive university grants to restore the on-going level of core research in this area that the President's budget recommended for cuts. By taking the long-term perspective and sustaining support for a highly desirable outcome, the Committee is doing its part to ensure that the U.S. reasserts it technological leadership in the area of supercomputing—a technical capability that underpins our ability to invent the future.

Laboratory Directed Research and Development (LDRD) is an area that grew out of all proportion to its value at the beginning of this decade. This area also raised concerns of financial oversight and the use of federal funds for purposes for which it was not appropriated. As an initial effort to get its arms around this program, which reached an aggregate funding level in FY 2003 of $365 million per year, the Committee mandated a comprehensive report on LDRD projects from DOE and initiated a GAO investigation of LDRD. In developing its recommendations for FY 2005, the Committee based its guidance and statement of concerns on the results of the GAO investigation and what had been learned from reviewing the extensive DOE reports. The FY 2005 Committee report directs DOE to shift to direct requests for LDRD.

The President's budget request for FY 2006, recognizing the concerns of the Committee and the constraints on funding, reduced the percentage allowed for LDRD at Weapons Labs from 6% to 5%. The Committee is today recommending that LDRD be limited explicitly to $250 million in FY 2006, to be allocated to the labs by DOE. A quarter billion dollars is a healthy level of funding that could be used to fix many problems in energy research, water infrastructure, etc., so the "Committee [truly] recognizes the value of conducting discretionary research at DOE's national laboratories", but has now brought the funding level for this research back within reason and given it a sense of direction.

Nuclear Weapons is the most sensitive area of activity under the Energy and Water Development appropriation. Here, under Chairman HOBSON's courageous leadership, the denial of funding has been effectively used to chart a safer and more efficient course for the future of our nuclear deterrent. In particular, coming into the FY 2004 appropriations process, the President was asking for funds for a robust nuclear earth penetrator (RNEP), for studies of new nuclear weapons potentially for new missions, for funds to proceed with preparation of a Modern Pit Facility to manufacture 450 plutonium triggers per year, and a shift to an I8-month readiness posture for a return to underground nuclear testing. Taken together, these policy initiatives signaled an alarming shift in nuclear weapons policy and accordingly, many here and abroad reacted with alarm. Each of these policies was a bad idea, an idea run amok. This situation developed in part because of the absence of an approved nuclear weapons stockpile plan.

The House report accompanying the FY 2004 Energy and Water Appropriations Bill states, "The fiscal year 2004 budget request is the second budget request delivered to the Committee that is loosely justified on the requirements of the Nuclear Posture Review policy document but lacking a formal plan that specifies the changes to the stockpile reflecting the President's decision [on the Nuclear Weapons Stockpile Plan]." The Committee reduced funding for the RNEP to $5 million from $15 million (ultimately agreeing to $7.5 million in conference), zeroed funds for proceeding with a Modern Pit Facility, and held the test readiness posture at 24 months. Most significantly, $4 million of the funds for advanced weapons concepts were fenced so that they could not be spent until the Administration delivered a Nuclear Weapons Stockpile Plan. Without this action, there is doubt that this Plan would yet exist.

In FY 2005, the Committee went further and zeroed funding for the RNEP while maintaining the 24-month test readiness posture and continuing to defer the Modern Pit Facility. But, the Committee is a constructive influence and seeks to support better policies. At the insistence of the Committee, the dangerous advanced concepts approach was scrapped and a reasonable new approach was funded—the reliable replacement warhead (RRW).

In FY2006, the Committee is solidifying the progress made last year. First, advanced concepts was missing from the President's request and is essentially no longer under consideration. Second, RNEP funding is again zero in the Committee's recommendation. Third, test readiness posture is held to 24 months. Fourth, the RRW concept was included in the President's request. The Committee is working to accelerate the implicit transformation of the U.S. nuclear deterrent stockpile by increasing funds to $25 million while slowing programs extending the life of old weapons. The promise of the RRW is that the U.S. will never need to resume nuclear weapons testing and will be able to sustain our deterrent with a smaller, less-expensive complex.

In light of these examples where taking a longer-term perspective is showing results, I fully support the efforts in this FY2006 Energy and Water Development Appropriation to get all three principal agencies funded in this bill to adopt and communicate 5-year plans for their programs. Further, we have long underinvested in the water infrastructure of our nation, and although this year is no exception, the bill undertakes significant efforts to help the U.S. Army Corps of Engineers get effective control over management, particularly fiscal management of projects. Management improvements prepare the way for the most effective use of whatever level of funding can be supplied in the future. Concentrating funding on high-priority water projects to get them done should significantly improve the overall benefits of investment through the Corps and Bureau of Reclamation, and so, I support this painful approach as well.

The Chairman and I are taking steps to involve all members of the Subcommittee in the oversight of the programs we fund. Everyone is being asked to concentrate on two subsets of our work. This also takes the long-term perspective as it will prepare our capable colleagues for future roles as chairs and rankings of appropriations subcommittees while strengthening our current work as appropriators.

So, upon reflection, I am pleased with the positive effects of the last three years of Energy and Water Development Appropriations bills. Far more has been accomplished than the simple funding of government programs and the accommodation of congressional priorities. The nation and the world are better and safer as a result. What a privilege and pleasure to participate!

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

Mr. HOBSON. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN)

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

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in strong support of the Energy and Water appropriations bill. First, let me thank and commend Chairman HOBSON and Ranking Member VISCLOSKY for their hard work in crafting a bill that addresses so many complex national energy and water infrastructure needs. They make a good team.

Our bill includes essential funding for energy programs that seek to make our country more efficient and less dependent on traditional fossil fuels and foreign oil. As a nation, we are facing an energy crisis which does not allow us to put off significant policy changes as to how we can invest our energy infrastructure dollars any longer.

This year, we have made a significant investment in nuclear energy technology. This energy provides a clean, renewable energy source already capable of providing an alternative source of electricity to fossil fuels. Nuclear energy already provides 20 percent of our Nation's electricity and, in my home State of New Jersey, nearly 50 percent of the electrical capacity.

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I am also pleased that our subcommittee continues to fund fusion science. Our committee has been a leader in advancing fusion so that some day we will be able to realize the promise of the cleanest of energy sources. Thirty years ago the first power produced in a laboratory from fusion was barely enough to light a small light bulb. Today, our DOE labs are capable of creating enough power from fusion to light a small town.

Mr. Chairman, I credit the gentleman from Ohio (Mr. HOBSON) and the ranking member for grappling with some tough policy decisions in this bill. For example, Yucca Mountain, which is facing delays, this bill includes money, $660 million for Yucca Mountain, in anticipation of a licensing agreement being signed.

This bill also prioritizes the Army Corps' work on a number of essential navigation and flood control projects to ensure that such construction projects authorized by Congress are actually completed.

But most importantly to me and to the New York-New Jersey region, in the Army Corps' portfolio, this bill reflects our committee's continued recognition of the value of our Federal investment in the New York-New Jersey harbor deepening project. This project has been recognized as one of five national priorities by the President. It is not only an issue of national security; it is an issue of economic security. The economic return on keeping open our Nation's third largest port to larger container ships is huge. I note that the Army Corps itself has listed this deepening project as one of its highest return investments.

I cannot overstate the economic importance of the port which is the third largest in the United States. Every day thousands of goods come through the port of New York and New Jersey, and through its terminals many other goods are exported to the rest of the world. Those goods and the assets that protect them allow our Nation to proceed and keep its economy going. Therefore, I rise in support of the bill and urge other Members to do so as well.

Mr. VISCLOSKY. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, as Members of this House know, when I have objections to the content of a bill, I am not shy in stating them. There are certainly portions of this bill with which I do not agree, but I want to say that it is very unusual and it is a very pleasant experience to see a piece of legislation brought to the floor which is not so much a product of politics as it is a product of legislative craftsmanship. I think that is the case with this bill.

I think that the gentleman from Ohio and the gentleman from Indiana working together in an absolutely bipartisan fashion have produced a bill which is obviously based on some intellectual decisions about how to approach problems rather than being based simply on political judgments, and that means that this place is performing as it should perform. It is not just being a political institution; it is also being a legislative institution. That is happening in no small measure because of the leadership of the gentleman from Ohio (Mr. HOBSON).

That does not mean that I do not think this bill does not fall short in some areas. I think that the budget resolution has made it impossible for this committee to do a number of things that it ought to be doing in the area of energy research. Lord knows, that is important these days with rising gas prices and all of the rest; but I just want to say in my view, despite those shortcomings, this bill demonstrates that good government is good politics.

The gentleman has brought to the floor a bill which is extremely responsible in terms of the way it deals with the nuclear weapons issues that were referenced by the gentleman from Indiana. It is an extremely bipartisan product. While I have feelings about nuclear power that are very different than some other Members in this Chamber, I want to say I think the gentleman has produced, with the assistance of the gentleman from Indiana, a very responsible bill; and I fully intend to support it.

I hope as the process goes along we will wind up having more resources to deal with some of the problems that are shortchanged. But with that exception, I do not think we can ask for a better legislative product; and as someone who appreciates the traditions of this House, I want to extend my personal gratitude to the gentleman from Ohio for his contribution in making this the fine product that it is.

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

First of all, I thank the gentleman from Wisconsin (Mr. OBEY) for his kind comments. The gentleman from Wisconsin (Mr. OBEY) is the scholar of the House. He reads these things and understands them, and I very much appreciate his remarks on the bill on behalf of both myself and the ranking member.

Mr. Chairman, I yield 3½ minutes to the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. Mr. Chairman, I thank the gentleman for yielding me this time. I want to make some brief comments and then engage in some colloquy with the chairman.

Not to repeat anything that has been already said, but just to highlight why I can believe this is such an excellent work product, really three reasons: one, this chairman over the last 2½ years has gone out into the country, both on the water side and on the energy side, gone into the depths of very complex places like our nuclear weapons complex, gone into our scientific research institutions, energy research, gone and seen demonstrations and the advancement of technology, and tried hard to understand what needs to be proposed. This chairman deserves tremendous credit. At no time in my 9 years on the Committee on Appropriations have I seen this kind of diligence that the gentleman from Ohio (Chairman HOBSON) has shown.

Secondly, it has been very fair and very bipartisan all along the way.

Third, this is one of the greatest assimilations of professional staff on both sides of the aisle, people with expertise and experience coming to the same subcommittee at the same time at a very important time. My hat is off to all of these individuals for their diligence.

Mr. Chairman, if I may engage in a colloquy, I would like to say a few words on the importance of fielding a leadership-class computer for open science. For the past 2 years under your leadership, this subcommittee has provided additional funds to achieve this goal, and I thank you for this commitment. The Oak Ridge National Laboratory and its partners were competitively selected to carry out this effort. With the additional funds provided by this bill, they will continue down that path. The $25 million for hardware will enable the Center For Computational Science at the Oak Ridge National Laboratory to upgrade the existing system to 50 teraflops. This will get us halfway to the goal of a leadership-class computer which is a 100 teraflop

system. The remaining funds will help support the operations and software.

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

Mr. WAMP. I yield to the gentleman from Ohio.

Mr. HOBSON. Mr. Chairman, I share the gentleman's support of this important program, and I share his goal in this field. I am disappointed that the Department's fiscal year 2006 budget request did not preserve the increases that this subcommittee provided for this purpose during the past 2 fiscal years. Because of the Department's disregard for congressional intent, the committee provides $30 million of the increase for the Center of Competition Science at Oak Ridge National Laboratory which was selected competitively to build this leadership-class supercomputer.

The committee expects the Department to make full use of this laboratory industry capability. Finally, I agree with the gentleman of the importance of this effort and encourage the Department of Energy to make the necessary budget requests in the future to continue this very important effort.

Mr. WAMP. Mr. Chairman, I thank the gentleman. In the subcommittee bill in the area of fusion energy sciences, the subcommittee offered a very reasonable approach to funding fusion science, given the uncertainty surrounding the thermonuclear experimental reactor equipment. As the subcommittee report notes: ''If the United States expects to be a serious contributor to international fusion research in general, and ITER in particular, the Nation needs to maintain strong domestic research programs and user facilities to train the next generation of fusion scientists and engineers.''

I think that is exactly right, and I want to commend the gentleman and subcommittee staff for putting that strong statement in our report.

Mr. Chairman, I want to highlight one area in particular that we fund and ask for the gentleman from Ohio's comments. Our bill provides $5.1 million for ''compact stellarators and small-scale experiments.'' I understand that to be a reference to experiments such as the quasi-polloidal stellarator, or QPS, that is being developed by the Oak Ridge National Laboratory.

Mr. Chairman, I ask the gentleman from Ohio, is my understanding correct?

Mr. HOBSON. Mr. Chairman, if the gentleman would continue to yield, the gentleman's understanding is correct.

Mr. VISCLOSKY. Mr. Chairman, I yield 3½ minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Chairman, I thank the ranking member for yielding me this time, and I commend him and the chairman of the subcommittee for producing a very good appropriation bill. I echo the sentiments that the gentleman from Wisconsin (Mr. OBEY) just gave on the floor and appreciate the hard work that has gone into it.

I think the rule, however, could have been a little stronger if the Schwartz amendment would have been made in order so we could have had further discussion about the need for increased investment in alternative and renewable energy technologies. I do not think that the energy bill that is working its way through Congress goes far enough, and this was another appropriation measure that could have been a vehicle for that increased investment.

I do appreciate the work that is being done on the Yucca Mountain funding, however. We have two nuclear facilities that are storing a lot of nuclear waste in the upper Mississippi River region right now. Many of us feel it makes sense to have a single, isolated nuclear waste repository in this country, and the studies that have gone into Yucca Mountain and the funding that this committee is providing, it seems to me to be a reasonable and practical approach dealing with the nuclear waste issue.

I especially want to commend the committee for the full support they have given to a very important program for the upper Mississippi River basin, the Environmental Management Program. This was a program that was created in the mid-1980s to strike balance on the multiple uses of the Mississippi region in the upper States. It is a multiple-use resource. It is incredibly valuable economically, quality of life, recreation and tourism. We have commercial navigation that uses the upper Mississippi along with the important recreation and tourism aspect, and the Environmental Management Program really has a twofold mission. One is habitat restoration for the upper Mississippi basin and the other is long term resource monitoring, to monitor the effects that sediment and nutrients are having in the basin.

One of the first things I did as a new Member of Congress was help form a bipartisan Mississippi River Caucus so we could work together from both the North and the South in order to draw attention to the resources that are needed along the Mississippi River.

We have made substantial progress, and I commend the committee's recognition that full funding of the EMP is appropriate at $33 million. This is a program that has received wide bipartisan support, multi-state support. The five upper States of the Mississippi River basin have been fully supportive of this program, as have the Governors and the respective legislatures, and I commend the administration who has consistently submitted their budget requests calling for full funding of the Environmental Management Program.

Finally, Mr. Chairman, I would commend to my colleagues and include for the RECORD an article that just appeared in the Washington Post Sunday edition under the Travel section called ''Lolling on the River.'' It describes the quality of life and unique beauty that the upper Mississippi River basin has for all of us in that region.

In it the author of the article, Bill O'Brian writes: ''The Mississippi, the river of Mark Twain, who once wrote, 'It is not a commonplace river, but on the contrary is in all ways remarkable.' The river of LaSalle, Marquette and Joliet, of B.B. King, Bob Dylan and the Doobie Brothers. Of Faulkner, Fitzgerald and T.S. Eliot. Of historian Stephen Ambrose who not long ago wrote, 'The river is in my blood. Wherever, whenever, it is a source of delight. More, it is the river that draws us together as a Nation.' ''

EMP is a small part of the importance of this great natural resource which is of vital importance to our Nation. I commend the subcommittee and work they have done in recognizing by fully funding EMP the importance of this vital natural resource.

[From the Washington Post, May 22, 2005]

LOLLING ON THE RIVER: FOLLOWING THE UPPER MISSISSIPPI BY LAND

(By Bill O'Brian)

If you think the prairie of Wisconsin and Minnesota is nothing but nondescript flatlands and farms, Buena Vista Park in Alma, Wis., is the place for you. Specifically, the bluff in the park more than 500 feet above the Mississippi River, which forms the border of the two states.

From that bluff on a clear day, you can see one of the most awe-inspiring panoramas in all of North America. I've been to the Grand Canyon. To Yellowstone. To Jackson Hole. To Lake Louise. To Niagara Falls. To the Oregon, Maine, Carolina and California coasts. To the interior of Alaska. To the top of numerous skyscrapers. The vista from the bluff in Alma on a clear day can compete with any of those places.

From that precipice, you can see for miles into the Minnesota countryside below. You can gaze upon the lush greenery of the Dorer Memorial Hardwood State Forest and the dark, rich soil of the northern portion of what schoolbooks call the breadbasket of America. As the Mississippi zigzags through that bottomland, you can see that the waterway is as unruly as it is majestic, as undisciplined as it is immense. It is clear that, left to its own devices, the river would follow no laws other than those of physics, which state that water flows from higher elevation to lower via the path of least resistance.

From that bluff in Alma, you can immediately understand what Wisconsin outdoors journalist Mel Ellis meant half a century ago when he wrote, ''If you haven't fished Ol' Man Mississipp, forget about any preconceived notions you may have as far as rivers are concerned. Because Ol' Man River isn't a river at all. In fact, he's a hundred rivers and a thousand lakes and more sloughs than you could explore in a lifetime.''

Northeasterners by birth and temperament, my wife, Sue, and I knew almost nothing firsthand about life along the upper Mississippi.

The Mississippi—the river of Mark Twain, who once wrote, ''It is not a commonplace river, but on the contrary is in all ways remarkable,'' The river of La Salle, Marquette and Joliet. Of B.B. King, Bob Dylan and the Doobie Brothers. Of Faulkner, Fitzgerald and T.S. Eliot. Of historian Stephen Ambrose, who not long ago wrote, ''The river is in my blood. Wherever, whenever, it is a source of delight. More, it is the river that draws us together as a nation.''

So, from the point just outside East Dubuque, Ill., where the Illinois-Wisconsin border meets the Mississippi about 175 miles

west of Chicago, Sue and I had set out northward on the Great River Road to see what—and whom—we might find. The river road is a federally designated scenic byway that stretches from the Gulf of Mexico to Canada. We covered a minuscule portion of it, a couple of hundred miles mostly in southwestern Wisconsin, primarily along State Route 35. We had no itinerary per se. We pulled off the road when the spirit, or hunger or curiosity, moved us. It was a drive-by—a lazy, three-day upper Mississippi River drive-by.

On the first day, at a boat landing near the town of Cassville, Wis., we stopped to chat with Dwayne Durant, a fortysomething Iowan. Dressed in camouflage hunting gear, he was standing on the riverbank in the Upper Mississippi River National Wildlife and Fish Refuge with his dog, Sidney. Durant had the satisfied countenance of a man who'd just bagged his limit for the day. He welcomed us to the river, patiently explained the intricacies and the appeal of duck hunting, proudly showed us his fresh kill (two wood ducks, two teal ducks and two mallards), then humbly thanked us for visiting his corner of the world.

The next morning, at Withey's Bar in Lynxville, Wis. (pop. 176), we introduced ourselves to a soft-spoken gentleman in a flannel shirt sitting on a stool at the end of the bar. Les Neefe told us that he was born 77 years ago in a Wisconsin cheese factory (''not in a hospital, not in the hallway of the cheese factory, in the cheese factory . . . in a room above the boiler''). Over coffee, Neefe rhapsodized about the pleasures of living in a houseboat docked on the Mississippi six months a year, and he made two recommendations. First, he suggested that, to get a real taste of Wisconsin, we should go to the cheese shop up the road in Ferryville and buy some ''sharp cheddar, old sharp cheddar.'' Then, to get a real taste of river life, we should stop by P&M Concessions next to Blackhawk Park in De Soto.

We did both. The cheese, a nine-year cheddar, was rich, creamy and sharper than sharp. Along with apples and crackers, a block of the cheddar made a memorable watchin'-the-river-flow picnic lunch.

Outside the P&M Concessions stand was a sign that read, ''Welcome to the River—Sit Long, Talk Much, Fish A Lot.'' Behind the counter was 34-year-old Amy Kroning, whose father is the proprietor of the bait/tackle/refreshment/boat rental shop.

''I can't think of anywhere I'd rather be than right here,'' said Kroning, a mother of five who was born and raised in De Soto. ''If I get more than an hour from the river, I get depressed. Really. I'm not kidding. We go to a Cubs game once a year [in Chicago], and I'm a nervous wreck the whole time.''

So, what is the allure of the Mississippi?

''It has a calming affect. It's relaxing,'' Verdetta Tusa said later that day as we stood watching for more than an hour while an enormous tow barge squeezed, wheezed and creaked its way through the lock at the town of Genoa, Wis. ''It's the history, too,'' said the 56-year-old lifelong Minnesotan. ''They've been doing it this way, basically, from the beginning.''

The lock at Genoa is one of 29 on the upper Mississippi. Watching tow barges come out of the sharp curves of the river and negotiate the locks with pinpoint precision is a pastime unto itself. Typically 15 barges are connected together in front of one pilot boat. They transport grain, steel, road salt, fertilizer, coal, petroleum products and other nonperishable goods up and down the Mississippi most of the year. It takes a barge about 10 days to get from Minneapolis to St. Louis, but one 15-unit tow can carry as much grain as 225 rail cars or 870 semi-trucks at a fraction of the cost.

As a barge passes through a lock, you can get close enough to chat with the stevedores on board. One deckhand told us that sometimes he stays out on the river for 60 to 80 days at a time. And that he'd rather toil on the upper Mississippi than on the lower, especially in the dead of summer, because down near New Orleans and Memphis, ''it's too hot, and the skeeters are bigger than I am.''

An hour north of Genoa on State Route 35, not far past La Crosse, Wis., we came to Perrot State Park, a verdant 1,400-acre refuge. There, an information marker on a small bluff overlooking braided channels of the river reminded us just how remarkable the Mississippi is. It's 2,350 miles long; it's home to 100 species of fish (most notably walleye, sturgeon and catfish in these parts); it drains all or part of 31 states and two Canadian provinces.

''From Red Wing down to Iowa is the most beautiful part of the river, with all the bluffs and trees. It's almost a fantasyland,'' said Bob Schleicher. ''It's a place of mystery. It's got so much folklore. Some of it's true; some of it's not.''

We met Schleicher, a 65-year-old retired car salesman, at the municipal marina in Red Wing, Minn., the final town on our river drive, directly across the bridge from Hager City, Wis. Captain Bob, as he likes to call himself, told us that he has navigated the Mississippi from St. Paul, Minn., to its mouth in Louisiana. He explained that part of the appeal is that ''you can be whoever you want to be on the river.'' He told tales of river-running bootleggers, past and present. He explained how the upper Mississippi differs from the lower—it is less crowded; it has more islands, beaches and marinas; its currents are less dangerous; its water is less sandy. But, he said with a smile, river people have a ''mutual bond, whether you're a Confederate or a Yankee.''

Schleicher talked for a while about the river's importance to birds. Forty percent of all North American waterfowl and 326 bird species—including hawks, eagles, falcons, herons and swans—use the river as a flyway, according to the Audubon Society. We had seen a handful of bald eagles soaring over or perched along the river, and Schleicher beamed as he spoke of the resurgence of that ornithological American icon on the bluffs near Red Wing.

Then he suggested that, after spending a couple days driving along the river, Sue and I might want to spend some time on the river. For $10 apiece, he offered to take us on a leisurely two-hour cruise in his old military flatboat-turned-riverboat.

Once we cleared the dock, Schleicher allowed each of us in the small group on board to take a turn piloting the boat for a few minutes. As I stood at the helm, guiding the boat around the river's trademark sweeping bends, minding the red and green buoys that mark the shipping channel, passing huge tow barges, I suddenly understood what Schleicher meant when he said you can be who you want to be on the river.

At that moment, as we glided past the tree-lined banks, pushed along by the gentle current, the serenity was overwhelming. And the history palpable. At that moment, I was every riverman who's ever skippered a slow boat on Ol' Man Mississipp.

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Mr. HOBSON. Mr. Chairman, I yield 1 minute to the gentleman from Iowa (Mr. LATHAM), a member of the committee.

Mr. LATHAM. I thank the gentleman for yielding me this time.

Mr. Chairman, I just want to, first of all, express what an honor and privilege it is to work on a subcommittee that works in such a bipartisan way with the great leadership of the chairman and the ranking member. It is really a pleasure to actually get into policy discussions rather than a lot of the politics that we hear around here. It is very much appreciated.

Also, the tremendous staff that we have on this subcommittee. I think the gentleman from Tennessee (Mr. WAMP) mentioned the great professionalism that they have on both sides of the aisle. It is a real pleasure.

This bill is a really good bill under an allocation that could always be larger. We have worked out, I think, everything possible we can with the dollars available. I am very appreciative of the fact that we have focused on renewable energy, the kind of important work that we do on the river, on the Mississippi, and other projects that are involved also.

I want to commend the chairman and the ranking member and urge support of this very, very good bill.

Mr. VISCLOSKY. Mr. Chairman, I yield 5 minutes to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Chairman, I feel like the skunk at the office party, but I rise to oppose the funding for the Yucca Mountain project contained in this bill. This bill shortchanges water projects and energy technology research and development, research into technologies to harness the sun and wind and reduce our dependence on foreign oil. Yet there is 15 percent more funding for Yucca Mountain than there was in last year's bill despite the fact that this project is unsafe and riddled with problems and, in my estimation, can and never will be built.

I want to update my colleagues on the recent developments regarding Yucca Mountain, and I sincerely hope that they listen.

Last month, the Department of Energy revealed that scientists from the U.S. Geological Survey who were working on the water infiltration and climate studies at Yucca Mountain actually falsified documentation. Water infiltration and climate are two of the most fundamental factors involved in establishing whether or not the proposed repository can safely isolate radioactive waste and prevent groundwater contamination.

In all my years fighting this project, I knew Yucca Mountain was not scientifically sound, but I never dreamed and never thought that Federal employees would purposely falsify documents to cover up the lack of basic science. In 90 pages of e-mails, the USGS employees fabricated dates and names of programs used in modeling for quality assurance audits and deleted information that did not fit favorable and hoped-for conclusions. The employees made it clear that quality assurance was not a priority of this project, but rather, an obstacle.

Let me share with my colleagues some of the comments made by these

employees, and I quote: ''Don't look at the last four lines. Those lines are a mystery. I've deleted the lines from the official QA version of the files. In the end, I keep track of two sets of files, the ones that will keep the QA happy and the ones that were actually used.''

Another e-mail says, ''Like you said all along, the Yucca Mountain project has now reached a point where they need to have certain items work no matter what, and the infiltration maps are on that list. If USGS can't find a way to make it work, someone else will.''

And finally, ''I don't have a clue when these programs were installed. So I've made up the dates and names. This is as good as it's going to get. If they need proof, I will be happy to make up more stuff.''

No one better dare say to me on this floor that Yucca Mountain is based on sound science. It is not. Last year, the U.S. Court of Appeals ruled that the radiation standards for the proposed repository did not follow recommendations of the National Academy of Sciences and would not protect the health and safety of our Nation. The difference between the findings and the radiation standards set by the EPA, a mere 290,000 years.

Mr. Chairman, the DOE has known for some time that this project was fatally flawed, that corners were cut, that the science did not support the conclusions and that the data were doctored. That the DOE continues to move forward with the complicity of this Congress is nothing short of insanity, dangerous and insane. Employees who have raised concerns have been intimidated into silence, and the workers were purposely exposed to hazardous conditions by contractors eager to win hefty cash bonuses. Science has been manipulated to fit predrawn conclusions, and public safety and the environment have been sacrificed upon the altar of political expediency and greed.

Yucca Mountain is a disaster waiting to happen. When you build a weak foundation, your building collapses, and that is why Yucca Mountain is collapsing before our eyes. DOE is building Yucca on a weak foundation based on lies, fraud, intimidation, deception and nonexistent science. We should be pouring our resources into renewable energy, harnessing the sun, harnessing the moon, not sticking our valuable resources into a hole in the Nevada desert.

If my colleagues think that nuclear waste is so safe, let them keep it in their own States, let them keep it in their districts, by their children, by their children's schools, by homes and hospitals, synagogues and churches; and do not travel across this country in order to stick it in a hole in the middle of the Nevada desert.

I urge us to reconsider this. Let us change our direction before we go into something that is so disastrous and dangerous that we will never forgive ourselves and never be able to be forgiven by future generations of Americans.

Mr. HOBSON. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. DOOLITTLE), a member of the committee.

Mr. DOOLITTLE. Mr. Chairman, this is a vital bill for the future of our country, and this bill provides a very balanced approach to research in the scientific areas and to energy development and, indeed, renewable energy as well as vital water projects and infrastructure for this country to keep us economically sound. I would particularly like to commend the chairman and the staff in working with both sides here on this bill. It could do more if the resources were available; but given that they are not, we are making the best, I think, of what we have.

I would like to single out the energy supply and conservation account which funds renewable energy, energy efficiency, nuclear energy, nondefense environment, safety and health programs and energy conservation. These are funded at $1.7 billion. Over $360 million is provided for hydrogen and fuel cell research. This funding supports and expands the President's hydrogen initiative and promotes the Freedom CAR project. Hydrogen is the fuel source of the future and funding in this bill moves us closer to that goal.

Thirdly, the committee recommends $3.6 billion for the Office of Science, an increase of $203 million over the budget request. Additional funds are provided for priority work on advanced scientific computing, high energy physics and operation of user facilities.

Lastly, Office of Science funding provides for the basic building blocks of science and is the gateway to future scientific breakthroughs. We must keep America's scientific knowledge strong and on the cutting edge. Advanced scientific computing allows the U.S. to keep up with the rest of the world. We cannot allow other countries to surpass the U.S.'s knowledge.

I commend the chairman and I urge the passage of the bill.

Mr. VISCLOSKY. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Chairman, I thank the gentleman from Indiana for yielding me this time.

I want to urge strong support for the fiscal year 2006 energy and water bill. This legislation provides investment in water infrastructure essential not only to our country but to the Texas economy. I want to thank the gentleman from Ohio (Mr. HOBSON), the gentleman from Indiana (Mr. VISCLOSKY) and also the gentleman from Texas (Mr. EDWARDS) for their assistance on these projects, particularly two flood projects, Hunting and Greens Bayous in my district. Thousands of my constituents' homes and businesses are at risk from catastrophic flooding in these areas, and the funding in this bill, $500,000 and $150,000 each, keeps these projects on track.

I would also like to express my strong support for the $26 million included for the Houston ship channel deepening and widening project. This funding means we are on track to complete the deepening and widening this year and begin the barge lanes and environmental restoration. However, the tough operations and maintenance budget of the Corps could have counterproductive effects. The Houston ship channel budget is $5 million under capability for 2006. If we cannot maintain our channels to the right depth, then modern ships will not be able to take advantage of this new project. The project will also suffer as millions taken out through reprogramming are not returned as promised by the Corps.

The new policy to rein in reprogramming by requiring committee approval over $1 million is very sound. Reprogramming goes against the letter, number and intent of Congress. Financial stability is essential and large investments are made on the basis of congressional appropriations. More market risk equals higher cost for all the projects.

We should note a few brief points about projects that have been lost to reprogramming in the past and need to be made whole. It seems unjust that the solution to restore the letter and spirit of the law falls on the backs of the most recent victims of reprogramming such as our Houston ship channel who had reprogrammed dollars not returned.

Mr. Chairman, I include for printing in the RECORD written commitments from the Corps under two administrations. The word and spirit of these commitments are to honor congressional appropriations law. Congressional and Corps promises deserve to be honored. That is the same principle behind the extremely wise reprogramming policy of the future in this bill. However, we should allow the Corps to fulfill its past commitments.

Again, I would like to thank the Chair and the ranking member of the subcommittee and the full committee for making this bill possible.

DEPARTMENT OF THE ARMY, SOUTHWESTERN DIVISION, CORPS OF ENGINEERS,

Dallas, TX, September 18, 2001.

Hon. GENE GREEN,
House of Representatives,
Washington, DC.

DEAR MR. GREEN: Thank you for your letter dated August 29, 2001, concerning the Houston-Galveston Navigation Channels, Texas project.

I regret that members of my staff were not able to meet with you on September 12, 2001, to discuss this project in more detail. Based on conversations with your office and Mr. William Dawson of my staff, the following information will address your primary concern.

The U.S. Army Corps of Engineers remains fully committed to completion of this project based on the optimal construction schedule. I can further assure you that we will reprogram up to $20 million in construction funds as required to this project to ensure that this schedule is maintained irrespective of any shortfall in the fiscal year 2002 Congressional appropriation.

I continue to appreciate your patience and willingness to work with us on this matter. Please do not hesitate to contact me if you have any further questions about the Houston-Galveston Navigation Channels project.

Sincerely,

DAVID F. MELCHER,
Brigadier General, U.S. Army Commanding General.

CONGRESS OF THE UNITED STATES,
Washington, DC, August 29, 2001.

General DAVID F. MELCHER,
U.S. Army Corps of Engineers, Southwestern Division, Dallas, TX.

DEAR GENERAL MELCHER: I am writing you today with my concerns about the FY 2002 Army Corps of Engineers (Corps) allocation for the Houston-Galveston Navigation Channel. This project, funded by the Corps at $28.785 million, realistically requires $46.8 million to keep it on an optimal construction schedule.

Over the past several years, funding totaling at least $20 million has been reprogrammed from this project to other Corps projects. Given the discrepancy between the FY 02 Corps budget and the amount of funding required to keep this project on schedule, I am requesting that the Corps return the full amount of reprogrammed money to this project in its FY 02 budget. I have enclosed correspondence from the Corps that my office received at the time when these funds were reprogrammed for your review.

I would also like to request a meeting with you in my Washington, DC office, along with Congressman Chet Edwards, during the second week in September to discuss this issue. If you have any questions on this matter, please contact Bob Turney in my Washington office at (202) 225–1688. Thank you for your prompt attention to this request.

Sincerely,

GENE GREEN,
Member of Congress.

DEPARTMENT OF THE ARMY, SOUTHWESTERN DIVISION, CORPS OF ENGINEERS,
Dallas, TX, March 11, 1999.

Hon. GENE GREEN,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN GREEN: This letter is in response to your concerns regarding the proposed reprogramming of funds from the Houston-Galveston Navigation Channels, Texas project.

I am aware of, and fully appreciate the importance of the Houston-Galveston Navigation Channels project to the economy of this region and the nation. The Corps of Engineers, Southwestern Division, is fully committed to completion of the project based on the most optimal construction schedule. I have made the recommendation to reprogram funds from this project only after being personally convinced that the project schedule cannot be advanced beyond what has currently been scheduled to be accomplished this fiscal year. Based on this analysis, I have determined that these funds are truly excess to this year's project needs. The proposed reprogramming is to be a temporary reallocation of funds to maximize their use. They will be restored to the project when they are required to ensure that we will maintain the optimal construction schedule.

I am providing an identical letter to the Honorable Chet Edwards, Honorable Nick Lampson, and the Honorable Ken Bentsen. Thank you for your involvement in the development of the water resources infrastructure within the State of Texas. If I can be of assistance on any other matter, please feel free to contact me.

Sincerely,

EDWIN J. ARNOLD, Jr.,
Brigadier General, U.S. Army Commanding General

CONGRESS OF THE UNITED STATES,
Washington, DC, February 26, 1999.

Mr. GARY A. LOEW,
Chief, Civil Programs Division, Southwestern Division, U.S. Army Corps of Engineers, Dallas, TX.

DEAR MR. LOEW: For two consecutive years, the Congress appropriated sufficient funds in the Energy and Water Development appropriations bill to permit the completion of the navigational features of the Houston Ship Channel project in four years. Maintaining this optimal construction schedule is a priority for us because it will add an additional $281 million to the project's return on investment and save taxpayers $63.5 million in increased escalation and investment costs.

We appreciate the efforts you have made to fully inform us about the need to reprogram $2.2 million to the GIWW-Aransas National Wildlife Refuge project, as well as your understanding of our concerns. In the spirit of cooperation, we and the Houston Port Authority are willing to support the Corps request to reprogram funds from the Houston-Galveston Navigation project. However, we would first ask to receive assurance in writing that the Corps will reprogram other funds to the Houston project to replace those lost. Further, our understanding is that funds will be reprogrammed back to the Houston Ship Channel project by FY 2001. In addition, if the dredging project suddenly moves ahead of schedule, the Corps must do everything possible to ensure that a delay does not occur.

We look forward to your prompt response.

Sincerely,

GENE GREEN,
Member of Congress.
CHET EDWARDS,
Member of Congress.
KEN BENTSEN,
Member of Congress.
NICK LAMPSON,
Member of Congress.

Mr. HOBSON. Mr. Chairman, I yield 1 minute to the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. Mr. Chairman, I note that the gentleman from Ohio included in the committee report a provision directing the Secretary of Energy to begin moving commercial spent nuclear fuel into interim storage at one or more Department of Energy sites. I want to be sure that your intent is for the Secretary to focus his attention on existing DOE sites and not go looking for private sites that might be used for interim storage.

Is my understanding of the gentleman's intent correct?

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

Mr. BISHOP of Utah. I yield to the gentleman from Ohio.

Mr. HOBSON. The gentleman's understanding is correct.

Mr. BISHOP of Utah. So the gentleman does not see any reason the Secretary would consider a non-DOE site for interim storage?

Mr. HOBSON. I do not see any reason for the Secretary to consider making a private site, or a site on tribal land, into a DOE site for interim storage. My intent is for the Secretary to evaluate storage options at existing DOE sites.

Mr. BISHOP of Utah. Mr. Chairman, I thank the gentleman from Ohio for his hard work and his courtesy.

Mr. VISCLOSKY. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the ranking member and the chairman of the subcommittee for their work on this bill. This is hard work.

This particular appropriations bill goes to the very heart of many of our congressional districts. I appreciate very much the $4.7 billion in funding provided to the Army Corps of Engineers, but let me express my disappointment that we have not been able to stretch the dollars to provide work on new projects. I am speaking particularly about Sims Bayou, Greens Bayou, White Oaks Bayou and Braes Bayou.

More importantly, having worked on legislation dealing with inland flooding, I can tell you that flooding is a very serious issue in my district. I look forward to working with this appropriations subcommittee through the coming session to be able to provide greater assistance.

Might I also acknowledge my concern on the funding for nonproliferation in nuclear weapons. While I wish we had been able to include more dollars in this area, I am pleased that we were able to increase their funding by $8 million over last year. Unlike previous years, due to the appropriations subcommittee reorganization, the bill funds several renewable energy programs, clean coal technology, and the Strategic Petroleum Reserve. Such programs greatly enhance the lives and security of my constituents.

I am very pleased that the Appropriations Committee rejected the administration's proposal to prioritize Army Corps of Engineers water projects based on the projected revenue they would bring to the government. I want to join the gentleman from Texas (Mr. GENE GREEN) as relates to our port in Houston, a very important economic arm, but also an entity that needs a great deal of oversight and funding for security and also operation. I am disappointed that the maintenance and operation funding is not as much as it should be.

I also wish there could have been added funds for new projects. Obviously, the needs of this Nation change on a daily basis. Saying that this year we will not start any new projects is a bit illogical. New projects are extremely efficient in job creation and there are many competitive projects across the Nation.

One portion of the bill I am concerned about is the underfunding of the National Nuclear Security Administration, $136 million less than the President's request. I understand that some of this withheld money would have

gone to the robust nuclear earth penetrator. I agree with the Committee that we need to think long and hard before we start creating new nuclear weapons when we are pushing the rest of the world.

Mr. Chairman, I ask my colleagues to support this and hope that we can do something more about the Yucca Mountain project by not funding it, without further study and consideration of other opinions. The people of Nevada deserve no less.

Mr. Chairman, let me first say thanks to you and the ranking member for your work on this bill.

Mr. Chairman, let me raise an issue of concern for my constituents. I appreciate very much the $4.7 billion in funding provided to the Army Corps of Engineers, but let me express my disappointment that we have not been able to stretch the dollars to provide work on new projects. I am speaking particularly about Sims Bayou, Greens Bayou, White Oaks Bayou and Braes Bayou. More importantly, having worked on legislation dealing with inland flooding, I can tell you that flooding is a very serious issue in my district, and I would look forward to working with this appropriations subcommittee through conference to be able to provide some greater assistance.

Mr. Chairman, might I also acknowledge my concern on the funding for nonproliferation in nuclear weapons. While I wish we had been able to include more dollars in this area, I am please that we were able to increase their funding by $8 million over last year's levels.

I would like to commend the chairman and ranking member of the Energy and Water Subcommittee of the Appropriations Committee for their excellent work on crafting this bill. There are several elements of debate between the majority and the minority, and between the House and the administration, but in general it seems that a fair compromise has been reached. Unlike previous years, due to the Appropriations subcommittee reorganization, the bill funds several renewable energy programs, clean coal technology, and the Strategic Petroleum Reserve. Such programs greatly enhance the lives and security of my constituents.

I am very pleased that the Appropriations Committee rejected the administration's proposal to prioritize Army Corps of Engineers water projects based on the projected revenue they would bring to the government. This prioritization plan would have essentially eliminated some, while much needed, less profitable projects. I support the $4.7 billion provided for the Corps, 9.5 percent more than the President's request. This is a smart investment. I wish there could have been added funds for new projects. Obviously, the needs of this Nation change on a daily basis. Saying that this year, we will not start any new projects is a bit illogical. New projects are extremely efficient in job creation. There are many competitive projects across the Nation and in my district, which should have been provided for. However, at least this bill is not a step backwards, like the administration's request. I commend the committee for its leadership on this issue.

One portion of the bill I am concerned about is the under-funding of the National Nuclear Security Administration (NNSA), $136 million less than the president's request. I understand that some of this withheld money would have gone to the "robust nuclear earth penetrator." I agree with the Committee that we need to think long and hard before we start creating new nuclear weapons, when we are pushing the rest of the world to put aside such implements of violence and destruction. We are being accused on every front of employing double standards: as we march on in war and talk about peace in the Middle East; as we spurn our own neighbors in Cuba but ask people in the occupied territories or in Korea or in South Asia, to forgive and forget; as we talk about liberating people but allow tens of millions to die from HIV/AIDS in Africa. We do not need to further degrade our own standing as a beacon of liberty and justice by creating such violent and polluting weaponry now. So, I am pleased that this bill does not provide for the nuclear earth penetrator. But, I hope we can all work together to ensure that other critical non-proliferation work done by the NNSA will be fully provided for in the years to come.

Through my work on the Science Committee I have come to understand the amazing new technologies on the horizon that will decrease our reliance on foreign sources of fossil fuels, and help preserve our environment for generations to come. It is good to see that this bill has allotted $3.7 billion, 6 percent more than the administration's request for Science programs. However, of the energy research out there, hydrogen fuels and fuel cells are some of the most promising areas that need to be developed. The Science Committee has encouraged strong support of these programs, and the administration also has recognized their value. But this appropriations bill provides for less than half of what the administration has requested for hydrogen technology research. I represent Houston, the energy capital of the world. I understand the needs of this Nation for ample and affordable energy. As gas prices take a slow decline, we are realizing that we depend too much on countries that are either directly or indirectly hostile towards us. It seems irresponsible to under-invest in these next-generation technologies. Perhaps this is something that can be re-visited in conference.

Again I thank the chairman and the ranking member for their work on this bill. The lagging economy of the past 3 years, and huge deficits that have been created by our fiscal policies, have made budgets very tight. I wish this were not the case. But considering the box we are in, I believe our appropriators have done an admirable job here to fund important priorities and serve the Nation's energy and water needs.

Yet I am very disappointed in the support for the Yucca Mountain Nuclear Waste Respository at an amount of an additional $310 million. The project needs more consideration and more study, there is much opposition in Nevada and the people of that great State deserve better from this Congress.

Mr. HOBSON. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. FERGUSON).

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Mr. FERGUSON. Mr. Chairman, I want to thank the gentleman from Ohio (Chairman HOBSON) for his leadership in delivering a comprehensive and bipartisan appropriations bill to the floor today. He has taken the responsibility as chairman of the subcommittee very seriously. He has been to New Jersey, to our home State. He has seen the channel deepening project, and he takes a real interest in the projects found in his bill, and I thank him very much for his leadership.

On a more personal note, I also want to thank the chairman for supporting the Green Brook Flood Control Project, which is in my district in New Jersey. My constituents in New Jersey thank him for his commitment to this project.

I would also be remiss if I did not mention the gentleman from New Jersey (Mr. FRELINGHUYSEN). For more than 5 years, the gentleman from New Jersey (Mr. FRELINGHUYSEN), as a member of the Committee on Appropriations, has been a champion for the Green Brook Flood Control Project. He deserves significant credit for its success and the thanks of thousands of residents whose safety and livelihood in our area of New Jersey are very much at stake with the success of this project.

The gentleman from Ohio (Chairman HOBSON) and every member of the Committee on Appropriations has a considerable task and responsibility of prioritizing local projects. There are no easy decisions, particularly in a difficult and a tight budget year like this year. The Green Brook Flood Control Project is saving homes and businesses and lives. It is equally vital that our Senators from New Jersey take up the fight for this important project and finish the work that we have begun here in the House.

Again I want to thank the gentleman from Ohio (Chairman HOBSON), and I want to thank the gentleman from New Jersey (Mr. FRELINGHUYSEN) for their compassion and their vision and their leadership and commitment to this issue.

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

Mr. HOBSON. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. FEENEY) for a colloquy.

Mr. FEENEY. Mr. Chairman, I thank the chairman for yielding me this time. We appreciate the chairman and the committee's hard work on this bill.

I want to specifically highlight the Rose Bay Ecosystem Project in Florida's 24th Congressional District, which I represent. Here local, county, and State agencies have worked for 10 years now and have spent more than $30 million to restore our natural aquatic ecosystem of Rose Bay. Now this project has stalled, understandably, due to limited funds at a time of war. In the 1940s, Rose Bay was a productive estuary and shellfish harvesting area on the Halifax River in Volusia County. Since the 1990s, local engineers and cities have anted up to their responsibility, and we would hope that the Army Corps of Engineers would live up to the agreed-upon 5-point plan to restore Rose Bay.

I would ask the chairman's help, along with the committee's, to do everything we can to get this project back on the appropriate steps forward.

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

Mr. FEENEY. I yield to the gentleman from Ohio.

Mr. HOBSON. Mr. Chairman, as the gentleman from Florida is aware, the budget is very tight this year; and due to the lack of Federal funds, many projects the committee supported in the past did not receive appropriations this year. Because money is tight, locals will need to do more with less and finish this with other local money. As the gentleman knows, I have got three grandchildren living in Florida; so I am interested in the State of Florida, and I appreciate the gentleman's bringing this to our attention.

Mr. FEENEY. Mr. Chairman, I thank the gentleman for his comments.

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

I simply again thank the chairman for his leadership, for being a gentleman, and for being a friend; and I recommend the legislation to my colleagues.

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

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

Let me close and say I want to thank my ranking member because we have worked together on this bill. It is a very comprehensive and detailed bill in a lot of scientific ways. We do take some visions for the future of this country which I think are very important when it comes to the waterways and we get the increased plume, which results from not finishing these projects, completed. I think also as important, if not more so, is the vision for the corps and the waterways in the future. Also the vision for the Department of Energy both in the weapons area and in the area of future cost-effective power for this country so that this country can compete in the world in the future are both dealt with in various stages in this bill.

So I hope that everyone will support this bill.

Ms. PELOSI. Mr. Chairman, I ask my Colleagues to join us today in defeating the previous question so that we can bring back a rule that will allow us to debate an amendment that would increase funding for research and development for new energy technologies by $250 million.

Yesterday, Congresswoman ALLYSON SCHWARTZ of Pennsylvania, requested a waiver from the Rules Committee so that she could offer this amendment on the floor, but she was denied that opportunity.

Mr. Chairman, for 4 years now, the Republicans in Congress have brought us an energy policy bill that provides billions in subsidies to traditional energy industries already reaping record profits. According to the New York Times, the top 10 biggest oil companies earned more than $100 billion last year, and their combined sales are expected to exceed $1 trillion, which is more than Canada's gross domestic product.

Just a few weeks ago, Republican leaders brought to the House floor an energy bill that devoted 93 percent of its tax incentives to oil, gas and other traditional energy industries, and only 7 percent for renewable energy and investments in new technologies.

It is time for a new direction. A Democratic energy plan would set us on a faster course toward energy independence by investing more of our valuable resources in clean, renewable energy resources, promoting new emerging technologies, developing greater efficiency and improving energy conservation.

Today, we are fortunate to have a number of promising technologies that offer new ways to generate energy and improve energy efficiency. But these investments are just a beginning, and will need our commitment in future years to sustain the innovations and investment levels needed to truly establish a sound energy economy for the 21st Century.

The hydrogen economy may be a worthy goal, but its benefits may not be realized until mid-century. And while hydrogen may eventually play a major role in replacing gasoline in our cars and trucks, the sources of energy to generate hydrogen must begin accelerated development now.

The Schwartz amendment would not choose any particular type of technology. Instead, it would distribute resource across multiple technologies and use them to generate multi-year development and deployment projects, support research and development competitive grants, and increase deployment of existing and new energy conservation measures.

For example, the National Academy of Sciences examined the possible benefits of an aggressive investment in solid state lighting. Today, lighting constitutes 30 percent of all energy use in buildings in the United States. The Academy study found that an investment of $50 million a year for 10 years would result in a $50 billion savings between now and 2050. That is a return of 100 to one for the U.S. economy.

Another excellent example—fuel cells—offer potential benefits in vehicles and stationary applications. Fuel cells are essential to a hydrogen energy economy and also have a vital role to play in other areas. Again, the National Academy of Sciences study found that a sustained investment of roughly $500 million over the coming decade is likely to produce benefits as much as $40 billion through 2025.

The government has an essential role to play in research and development. Unless a business can make a reasonable return on its research investment, it cannot afford to invest in R&D. And unless the business is a monopoly, this requires the R&D to lead to a patent on a device or a process that can be marketed. Applied research yields benefits that are too diffuse to be captured by anyone company.

So the federal government collects funds from a broad base of beneficiaries—the taxpayers—and invests in research and development that otherwise would never happen. Almost all such funding is through appropriation bills—the Energy and Water bill being one good example.

Mr. Chairman, we are the world leader in technical innovation.

From the light bulb to the space program to the Internet, the U.S. has led the way. We have built the world's largest economy on the inventiveness of our citizens and our willingness to make the investment needed to advance our society. The fundamental nature of our free society has always been the key to our achievement.

Science, engineering, and technology have enabled us to build our modern nation, and now we need to use these tools aggressively to increase our energy security, improve the lives of our citizens, and power us in the 21st Century.

I call on Members to defeat the previous question so we might consider an alternative rule that would allow Congresswoman SCHWARTZ to offer her amendment during the debate on funding energy priorities today.

Mr. KING of Iowa. Mr. Chairman, I rise today to urge funding to redraw the flood plain maps that would assist in addressing flood plan management problems along the Missouri River. The States of Iowa, Nebraska, South Dakota, and Missouri, as well as all cities and counties bordering the river, have an immediate need for improved flood plain information along the Missouri River. The lack of incomplete data hampers the way that communities plan for their economic future and interact with state and federal agencies. The existing data is approximately 30 years old. Coupled with that, is the fact that the recently completed Upper Mississippi River System Flow Frequency Study, which includes the main-Lower Missouri below Gavins Point Dam, resulted in significant change to the existing hydrology and hydraulics along the river. This indicates that current flood plain management for the Missouri River is inaccurate and does not support the regulatory requirements of the National Flood Insurance Program (NFIP).

This need for new information is due to the changes in land use and the pressure from development occurring all along the river. Improving the flood plain mapping, which meets the requirements of the NFIP (authorized by P.L. 86–645), can be developed working from the results of the Upper Mississippi River System Flow Frequency Study. The new flood plain information will allow development of water surface profiles and Digital Flood Insurance Rate Maps (DFIRM) for regulating current and future development of the 100-year and 500-year flood plains as well as the floodway along this 313-mile reach of the river.

Mr. DINGELL. Mr. Chairman, the language of this bill, which appropriates $310 million from the Nuclear Waste Fund "to carry out the purposes of the Nuclear Waste Policy Act of 1982" does not on its face present policy concerns. While the Yucca Mountain repository program faces funding problems, this is not the bill in which to address those issues and this appropriation more than meets the Administration's FY 2006 request.

The language of the committee report, however, is an altogether different matter and strays across the line from appropriating into authorizing. It does so by directing the Department of Energy (DOE) to undertake actions inconsistent with its authority under the Nuclear Waste Policy Act. Specifically, the report directs DOE to "begin the movement of spent fuel to centralized interim storage at one or more DOE sites within fiscal year 2006."

Now, it is elementary that report language does not constitute a statutory mandate. As

the U.S. Supreme court ruled in its 1993 opinion, Lincoln v. Vigil, ''It is a fundamental principle of appropriations law that where Congress merely appropriates lump-sum amounts without statutory restriction, a clear inference may be drawn that it does not intend to impose legally funding restrictions, and indicia in committee reports and other legislative history as to how the funds should, or are expected to, be spent do not establish any legal requirements on the agency.''

Nonetheless, report language that conflicts with an agency's statutory responsibilities warrants a response. The committee report directs DOE to do something the Nuclear Waste Policy Act does not permit—to establish one or more centralized interim storage facilities for commercial spent fuel, to take title to ''some'' commercial spent fuel, and to consider altering the order in which utility fuel is scheduled to be removed from utility sites.

What would adoption of this ''interim storage'' proposal mean?

First, it would mean that some State other than Nevada, which Congress ratified as the sole candidate for licensing a permanent repository, would ''win'' the lottery for hosting an interim storage facility that would open in 2006. The report language helpfully notes that three DOE sites in the States of Idaho, South Carolina, and Washington, could be selected. It notes as well, however, that other Federal sites, including closed military bases, could be picked.

This would not be permitted under the Nuclear Waste Policy Act.

Second, the proposed interim facility would not be subject to licensing by the NRC. It is not clear that the National Environmental Policy Act would even apply. If you think licensing a repository at Yucca Mountain will be a demanding process, as it should be, the uncertainties surrounding an unlicensed interim storage facility should give pause to potentially affected communities.

Third, since the proposal specifies no licensing process and no statutory criteria for site selection, it is likely that pure politics—not seismic conditions, not storage capacity, not even security measures—would guide DOE in its selection of a fast track candidate to begin storing waste in FY 2006. That should send a chill up the spine of any state with a Federally-owned site, since the policy proposed in the report would not provide protections equal to the Nuclear Regulatory Commission (NRC) requirements for storage of spent fuel by utilities.

Fourth, ratepayers should be alarmed by the committee report's interim storage proposal. They have paid over $22 billion into the Nuclear Waste Fund since 1983 for the purpose of permanent disposal—not interim storage—of commercial spent fuel. An interim storage facility could add to costs in the long run, increasing ratepayers' total payments to the Fund.

Fifth, utilities and the nuclear industry should be alarmed by this interim storage proposal. While a few lucky companies' waste might get moved before Yucca Mountain opens, the vast majority are likely to be stuck holding their waste longer. Interim storage is likely to divert DOE's funds and attention, just when the Department needs to focus on submitting a license to the NRC and on getting Yucca Mountain up and running.

I commend Representatives SPRATT and HOBSON for their colloquy clarifying that the committee report's ''guidance'' to DOE interim storage does not obviate the need for statutory changes to authorize DOE to pursue this misguided policy. Yesterday, I sent DOE Secretary Bodman a letter asking that and other questions, and I believe all Members would be well served to consider the answers before considering such substantial modifications to current law.

Mr. HOLT. Mr. Chairman, I rise today to express my concerns with the Army Corps of Engineers and my hope that language included in this bill will rein their disregard for Congressional requests.

I concur with the committee's expressed dissatisfaction with the Army Corps managing of water projects and their excessive transfer of funds between projects. Many of us have long been frustrated with the Army Corps is their mishandling of projects throughout the Nation. Although Congress authorizes and appropriates specific projects, the Army Corps repeatedly ignores these guidelines and sets their own priorities. This has resulted significant delays that further distress the communities near these uncompleted projects.

In the 12th Congressional District, the environmental restoration of Grover's Mill Pond is a most egregious example of the Army Corps disregard for congressionally mandated projects. Located at the site made famous by Orson Wells' ''War of the Worlds'' radio broadcast, Grover's Mill Pond is not only a historic site, but it is a recreation destination within West Windsor Township and a vital link in the Township's stream corridors and watershed area. Years of sediment build-up and runoff from the watershed have caused the pond to become overrun with aquatic weeds and algae.

This pond in its current condition is not only an eyesore for the community and the residents that live near it, but gives off an unpleasant odor in the summer. Completion of this project is long overdue, and could have been completed had the Army Corps not transferred almost all of the $500,000 that was specifically designated by Congress for this project. Thankfully, the committee has once again designated funding for this project, and I expect that the Army Corps will follow Congressional designation and not once again shortchange my constituents in favor of a project they deem more worthy.

Unfortunately, other unfinished projects in my district such as McCarter's Pond and Rogers Pond did not receive additional funding in this bill. I am hopeful that the strong and clear direction the committee has given the Army Corps in this bill will force them to complete such projects in the future and encourage them not to create such unpleasant situations in the future.

I thank the committee for their desire to assist my constituents and this nation by providing additional funds for unfinished projects and expressing their severe dissatisfaction with the Army Corps management of water projects. I hope this legislation will serve as an important step in reforming this agency and ensuring that our communities receive the environmental restoration assistance they desperately need.

Mr. YOUNG of Florida. Mr. Chairman, the civil works program of the Corps of Engineers provides water resources development projects that are important to the Nation. I believe the restrictions on reprogramming of funds and the constraints on the use of continuing contracts contained in this bill will lead to the inefficient use of appropriated funds and will disadvantage congressionally-added projects.

Congress does not fully fund projects in a given fiscal year and the schedule for constructing these large water resources projects is subject to the weather, environmental conditions, and other dynamic circumstances. As a result, reprogramming and continuing contacts are important tools that allow for the efficient use of appropriated funds.

I share the concerns that the Appropriations Committee has for some of the reprogramming activities of the Corps of Engineers and the way they have used continuing contracts for some of their projects. However, the constraints in this bill are too restrictive.

Section 101 only allows a reprogramming of $2 million or less per project. This is not enough to allow the Corps to effectively move money around among projects when projects are delayed or when they can be accelerated.

Also, the bill earmarks nearly all available funding, which makes it impossible for the Corps to pay back those projects that it took money from in previous reprogramming.

I must disagree also with the restriction placed on continuing contracts by this bill. While there may have been some unwise uses of continuing contracts by the Corps, the restrictions in this bill are too severe. They will lead to inefficient use of funds and a bias against Congressional priority projects.

As a result of the constraints on reprogramming, a lot of money will be carried over each fiscal year and work will have to be broken up into many smaller units making projects more expensive.

Current law requires the Corps to use continuing contracts whenever funds are provided in an appropriations act, but there is not enough money to complete the project. Only funds for that fiscal year are reserved, but the contractor can proceed with additional work with the understanding that payment is subject to future appropriations.

Section 104 is inconsistent with current law in that it restricts the amount of work a contractor can do to only that which can be accomplished with FY 06 funds. Under section 104, the contractor cannot proceed at his own risk in anticipation of FY 07 and future year funding. The contractor will have to stop work and wait for a new contract the next year.

Section 104 is legislative in nature and I intend to make a point of order that will strike it from the bill.

Section 105 further restricts the use of continuing contracts and has the remarkable effect of restricting the Corps' ability to carry out congressionally-added projects in this appropriation bill.

Section 105 states that none of the funds provided in FY 06 may be used to award a continuing contract that extends into FY 07 unless the Administration budgets for the project in FY 07.

This means that even if a Member has funding for a project in this bill, for FY 06, not fully funded, there are three options: (1) Hope to award a continuing contract before Administration comes out with its budget in February of 2006, (2) award a single year contract for only one increment of the project (resulting in increased costs), or (3) wait until fiscal year 2008 to award a continuing contract for the

project (delaying project construction and project benefits).

These restrictions apply to on-going as well as new projects.

In Alaska, there are currently eight projects under construction using continuing contracts. Seven of these are not in the President's Budget. I expect that before this bill becomes law, it will contain funding for all of these projects.

Nevertheless, under section 105 of the bill, a continuing contract could not be used in FY 06, and the Corps will have to break the projects into smaller pieces or wait until FY 08 to spend the FY 06 appropriated funds.

I believe the restrictions in this bill will delay these important projects in Alaska and make them more expensive. This is a problem that will be repeated for other Members for projects all over the country.

Finally, I want to applaud the Committee's efforts to get additional information from the Administration during the budget process. Information is needed for all projects, not just the ones in the Administration's budget. In addition, I believe that a 5-year schedule of spending for each project will allow the Congress to better appropriate funding that can match the Corps capabilities for individual projects.

Chairman HOBSON and Ranking Member VISCLOSKY are to be commended for their efforts to see that program management and budgeting at the Corps of Engineers are put back on track. While I have reservations about the effects of some of the measures required by this bill, I believe I can work with the Committee leadership as this bill moves forward to see that my concerns are addressed in Conference.

Ms. LEE. Mr. Chairman, I rise in support of this bill.

I would first like to thank the Chairman of the Subcommittee, Mr. HOBSON, and the Ranking Member, Mr. VISCLOSKY, for their work in putting together the Energy and Water Appropriations Bill.

I also want to thank both of them for including $48 million in the bill to continue funding the Port of Oakland's 50-foot dredging project in my district in California.

As the fourth largest container port in the country, the Port of Oakland serves as one of our premier international trade gateways to Asia and the Pacific.

The 50-foot dredging project will underpin an $800 million expansion project funded by the Port that will improve infrastructure, expand capacity and increase efficiencies throughout the distribution chain.

Once this project is finished, an additional 8,800 jobs will be added, business revenue will increase by $1.9 billion, and local tax revenues will go up by $55.5 million. Best of all, 100 percent of the dredged materials will be reused for wetlands restoration, habitat enhancement, and upland use within the San Francisco Bay Area.

I appreciate the Subcommittee's support for this project and I look forward to continuing to work with the Chairman and Ranking Member to complete it.

Mr. ROTHMAN. Mr. Chairman, as a member of the Appropriations Committee, I rise in support of the Fiscal Year 2006 Energy and Water Bill. I want to thank Chairman HOBSON and Ranking Member VISCLOSKY for their hard work in drafting this bill. I also want to acknowledge both the Majority and Minority staff for their dedication.

I can appreciate the tough choices that both Chairman HOBSON and Ranking Member VISCLOSKY had to make with the tight allocation for this bill. I believe they have made choices with the best interests of improving U.S. water infrastructure and advancing energy programs in mind. Those decisions were not easy, but this bill is the best we can do under the budget constraints. I urge all of my colleagues to vote in favor of the FY 2006 Energy and Water Appropriations Act.

Mr. UDALL of Colorado. Mr. Chairman, this bill is not perfect. But it provides appropriate funding for many important purposes, and I will vote for it.

Subcommittee Chairman HOBSON, ranking member VISCLOSKY, and their colleagues on the Appropriations Committee deserve our thanks for their work on this legislation.

Their task was made harder by the restrictions imposed by the budget resolution championed by the Republican leadership, and the bill does not include some things that I think should have been funded. But I think they have done a good job with the allocation of funds available to them, and the bill does include some items of particular importance to Coloradans.

In particular, I am very pleased that it will provide nearly $580 million to continue—and, I hope, complete—the cleanup of Rocky Flats.

Formed by the location of a facility for making key parts of nuclear weapons, the Rocky Flats site is located just 15 miles from downtown Denver and at one time was the location of large quantities of nuclear materials and other hazardous substances. Because of its proximity to our state's major metropolitan area, timely and effective cleanup and closure of the site has been a matter of top priority for all Coloradans.

With the funding provided by this bill and barring unforeseen developments, the Department of Energy and its contractor, Kaiser-Hill, should be able to complete the cleanup in the coming months—and while the department will have ongoing responsibilities at Rocky Flats, completing the cleanup will enable it to focus even more intently on the cleanup work to be done at other sites. So, I strongly support this part of the bill.

However, while we are taking care of the site, it is essential that we also take care of those who worked there. Some of them were made sick because of exposure to beryllium, radiation, or other hazards. It was because of them, and those like them who worked at other sites, that I worked with our colleagues from Kentucky and Ohio, Mr. WHITFIELD and Mr. Strickland, as well as others in both the House and Senate, and with Secretary of Energy Bill Richardson and his colleagues in the Clinton Administration, to pass the Energy Employees Occupational Illness Compensation Program Act (EEOICPA). I am proud to have been able to help get this program enacted and I will continue working to improve it for those who have worked at Rocky Flats and other sites.

And, we need to also remember the other workers at Rocky Flats as well. As they near the completion of their jobs at the site, they are understandably concerned about what will come next. Many have moved on to other jobs, and others will do so. But many are facing uncertainties about their futures. For all of them, it is essential that DOE acts promptly to resolve remaining questions about the futures they can expect when their work at Rocky Flats is finished.

For that reason, I recently wrote to ask Secretary Bodman to give immediate attention to two important matters—(1) determining the future administration of pension and health insurance plans for Rocky Flats workers (and for those at other closure sites as well); and (2) assuring the continued availability of medical benefits for Rocky Flats workers who will not be eligible for full retirement at the time of the site's closure.

I pointed out that DOE's Office of Legacy Management (LM) has stated that it is developing a plan for the transition of pension and insurance plans, as well as for record keeping and other matters for which LM is responsible. However, I also noted that no such plan yet exists, which means there is increasing concern among the Rocky Flats workers about their future.

There now remain only a few months for these matters to be resolved prior to closure. Time is of the essence. So, I was very glad to note that the Committee Report accompanying this bill directs DOE to report by September 30, 2005, on the Department's plan for a national stewardship contract for administration of the pension and benefit payments to former Environmental Management closure site contractor employees. I applaud the committee for including this directive, and urge the Administration to complete and submit this report as soon as possible.

The bill also includes other matters of particular importance for Colorado. It provides funding for several Bureau of Reclamation projects in our state, including the Colorado-Big Thompson project and the Fryingpan-Arkansas project as well as the ongoing construction of the Animas-La Plata project. It also includes needed funds for operation and maintenance of a number of reservoirs operated by the Army's Corps of Engineers as well as for other Corps activities in Colorado.

And I am very glad to note that the bill will provide funds for completing construction of the new science and technology facility at the National Renewable Energy Laboratory.

I am disappointed, however, that the bill shortchanges some of the important clean energy programs at NREL. As co-chair of the Renewable Energy and Energy Efficiency Caucus in the House, I have worked for years to increase—or at a minimum, hold steady—funding for DOE's renewable energy and energy efficiency research and development programs.

Given the finite supply and high prices of fossil fuels and increasing global demand, investing in clean energy is more important than ever. DOE's renewable energy programs are vital to our nation's interests, helping provide strategies and tools to address the environmental challenges we will face in the coming decades. These programs are also helping to reduce our reliance on oil imports, thereby strengthening our national security, and also creating hundreds of new domestic businesses, Supporting thousands of American jobs, and opening new international markets for American goods and services.

For our investment in these technologies to payoff, our efforts must be sustained over the long term. This bill does not do that. This bill is $23 million less than last year's bill in the

area of renewable energy research. This includes cuts in biomass, geothermal, and solar energy programs. I believe that the reductions in funding levels for the core renewable energy programs are ill-advised at a time when the need for a secure, domestic energy supply is so crucial.

I am also concerned about the bill's deep cuts to energy efficiency programs such as Industrial Technologies ($16 million) and State Energy Program Grants (nearly $4 million) and a cut of nearly $5 million in the Distributed Energy and Electricity Reliability Program.

Nonetheless, Mr. Chairman, my regrets about this bill are outweighed by my appreciation for the good things that it includes, and so I urge the House to pass this important appropriations bill.

Mr. BARRETT of South Carolina. Mr. Chairman, I would like to thank Chairman HOBSON for his leadership in bringing this important legislation to the floor, and I also thank him for his continued commitment to the Yucca Mountain project. As a fiscal conservative, I share his concerns regarding the federal government's liability as result of project delays, and I would like to work with the Committee to ensure the Department of Energy (DOE) fulfills its statutory and contractual obligation to accept spent fuel for disposal. To resolve this issue the Committee has recommended the Spent Fuel Recycling Initiative (Initiative), which links interim storage to reprocessing.

I strongly believe interim storage of commercial spent fuel should not take place a DOE sites like Savannah River. However, I do agree that interim storage is an issue Congress and the DOE should examine. One argument posed by opponents of this Initiative is that interim storage would create a ''de facto'' permanent repository, which undermines our national policy of disposing high-level radioactive waste in a permanent deep, geologic repository. While I share the concern, this argument only has merit if interim storage is dealt with as a separate issue. But, the Committee's report expressly states the Initiative has ''linked'' interim storage to reprocessing. Moreover, this bill fully funds the Yucca Mountain project. These facts read together clearly imply that the DOE implementation of the Initiative's core elements should not undermine Yucca Mountain. As a result, I strongly believe the DOE should carefully examine any unintended consequences in its implementation report to ensure the Initiative supports our national policy on nuclear waste disposal as set forth by the Nuclear Waste Disposal Act.

Examining the merits of this Initiative also requires us to review its other core element—reprocessing commercial spent fuel. The Committee correctly notes prior to the mid-1970's, the Federal government encouraged the reprocessing of commercial spent fuel and even developed reprocessing facilities in several states including South Carolina. Although opponents often cite proliferation concerns as a reason not to reprocess spent fuel, the report states ''there is no evidence that current [European] reprocessing operations pose a significant proliferation risk.'' Equally as important, I agree with the Committee that reduced volumes gained through reprocessing could avert the need to expand Yucca or site a second repository. Finally, reprocessing can also reduce the radiotoxicity of high-level waste, which makes licensing Yucca Mountain a simpler proposition. As a result, there is no question it is time for our nation to reexamine this issue, and I believe the Savannah River Site's existing reprocessing infrastructure should be considered as potential resources that could be utilized for this purpose.

Although I agree the Committee's Initiative presents our nation a possible solution to finally shipping high-level waste out of states like South Carolina more quickly than anticipated, I do not believe the Initiative could be implemented without further Congressional authorization. Under the Nuclear Waste Policy Act (NWPA), the DOE's authority to store commercial spent fuel on an interim basis at existing DOE facilities expired January 1, 1990. Moreover, the NWPA does not allow the DOE to construct a Monitored Retrievable Storage (MRS) facility until Yucca Mountain receives a construction license. Thus, if the DOE desires to implement the core elements of the Initiative, I along with the Committee request the DOE provide to Congress any necessary authority it may need to execute it.

I have no doubt Chairman HOBSON's intentions with this Initiative are to support the nuclear power industry by ensuring we have a permanent repository for commercial spent fuel, and he is to be commended for bringing this matter to the 109th Congress' attention. The issue of nuclear waste disposal is complex, and it will require big ideas for safe disposition of our high-level waste. The Spent Fuel Recycling Initiative is one of those ideas, and I look forward to working with my colleagues and my constituents to ensure it is the best policy to pursue.

Mr. RYUN of Kansas. Mr. Chairman, I am mindful of the limitations that the Appropriations Committee is under when funding project requests for the Army Corps of Engineers. I am also aware, however, that the committee works closely with the Corps in this process, and that funding decisions are based largely on the priorities put forward by the Corps.

With this in mind, I am very disappointed that the Energy and Water Appropriations bill that we approved today did not contain funding for the cleanup of a logjam on Jacobs Creek in my district in Coffey County, Kansas. I am disappointed because I have made it abundantly clear to the Corps on numerous occasions that I hear more from constituents about this project than any other Corps project in my district. Further, I have asked the Corps to make it one of their highest priorities when it comes to funds spent in my district.

This logjam began in 1973, but has only in recent years escalated to such a problematic level. Currently, the logjam covers an expanse of more than two miles. Along this stretch, boat docks are useless and garbage is trapped in the sediment. The clog poses not only a health and safety hazard to area residents, but it also threatens the economic viability of the region.

If the Corps had given this request the priority it deserved, it would have received funding. The absence of funding for this project in the bill leads me to conclude that the Corps has once again looked the other way.

I am disappointed that this crucial project has once again been ignored and I call on the Corps to put their resources to work and remedy this situation. I fully intend to continue working to see that this project is funded in the final version of this bill.

Mr. NUSSLE. Mr. Chairman, the measure before us today—the appropriations act for Energy and Water Development—joins the early wave of discretionary spending bills pursuant to the recently adopted budget resolution for fiscal year 2006 (H. Con. Res. 95). As the name suggests, this bill provides for the Nation's energy and water development needs, with funding for all of the Department of Energy, and select activities of the Departments of Defense and the Interior, including the Corps of Engineers and the Bureau of Reclamation. While the government's overall energy strategy is now being discussed in a conference on H.R. 6, the bill before us today provides a vital additional component of the Nation's energy policies.

As Chairman of the Budget Committee, I am pleased to note that this bill complies with the budget resolution, and also reflects a responsible set of budgetary choices. Although the Appropriations Committee provided more funding that the President in certain areas, they still achieved a modest but real reduction in total spending for this bill, compared with fiscal year 2005.

ENERGY AND WATER DEVELOPMENT

H.R. 2419 provides $29.7 billion in appropriations for fiscal year 2006. This is $410 million, or 1.3 percent, below the fiscal year 2005 level, and equal to the President's request. The bill complies with section 302(f) of the Budget Act, which prohibits consideration of bills in excess of an Appropriations subcommittee's 302(b) allocation of budget authority in the budget resolution.

The bill provides $23.8 billion in discretionary BA to the Department of Energy [DOE], a reduction of $390 million from the 2005 enacted level. Within the department, BA is reduced from the 2005 level by 2.6 percent for Environmental and Other Defense Activities ($203 million), and 4 percent for the National Nuclear Security Administration ($365 million). But for Energy Programs, the bill provides a slight increase of 1.3 percent, or $98 million.

H.R. 2419 provides $661 million for the Yucca Mountain repository, an increase of $84 million above 2005 and $10 million over the President's request.

Funding for the Department of the Interior totals $933 million and discretionary spending for the Bureau of Reclamation holds flat relative to 2005.

For the Corps of Engineers, the committee provided $4.7 billion, or $396 million over the President's request, primarily through additional construction and operations and maintenance spending, which together make up two-thirds of total Corps of Engineers spending. Also, the Appropriations Committee rejected an initiative to directly fund the operations and maintenance costs through the Power Marketing Associations' revenues.

H.R. 2419 does not contain any emergency-designated BA, which is exempt from budgetary limits. While the budget resolution for fiscal year 2006, H. Con. Res. 95, did allow for an advance appropriation in the Elk Hills account, the Committee on Appropriations provided for it with a current year appropriation.

The bill also defers $257 million in previously appropriated funds for the Clean Coal Technology Initiative until fiscal year 2007, providing $257 million in BA savings for 2006, and an equal increase in 2007. The administration proposed a rescission of this amount.

Additionally, the bill allows the Nuclear Regulatory Commission [NRC] to recover 90 percent of its budget authority through licensing

and annual fees, less the appropriation derived from the Nuclear Waste Fund. This will recover a projected $581 million in fiscal year 2006 with remaining 10 percent, or $65 million, funded from the General Fund of the Treasury.

In conclusion, I would like to commend Chairman LEWIS and the Appropriations Committee on their steady work in bringing bills to the floor that comply with H. Con. Res. 95 and wish them continued success as they proceed through this appropriations season.

I therefore express my support for H.R. 2419.

Mr. SALAZAR. Mr. Chairman, I rise today to express my support of the House version of the Energy and Water Appropriations Act for Fiscal Year 2006, and I urge my colleagues to vote in support of this important measure.

I commend Chairman HOBSON and Ranking Member VISCLOSKY for their work on this bill. I believe it is a good start for addressing our nation's water infrastructure and energy research needs, especially given the budget constraints.

As a farmer who works the land in Colorado's San Luis Valley, I know and understand water issues, and I can't emphasize how important it is to invest back into local water infrastructure. Without this investment, I fear we will continue to see a decline in the management of this irreplaceable resource—water is the lifeblood of our rural communities.

The House Energy and Water Appropriations Bill would provide $29.7 billion for the Army Corps of Engineers, the Bureau of Reclamation and Department of Energy, a $329 million increase over last year's funding level.

I am pleased the Committee included funding for three important projects which I had requested back in March for the 3rd District of Colorado. First and foremost, the Committee included $56 million in funding for construction of the Animas-La Plata Project. This funding level represents a $4 million increase over the President's budget request and comes on the heels of a Colorado delegation letter which I spearheaded back in March. I would also like to thank the Committee for the inclusion of language which directs a larger percentage of program funds towards construction, not administrative costs.

Completion of the A–LP will provide a much-needed water supply in the southwest corner of our state for both Indian and non-Indian municipal and industrial purposes. It will also fulfill the intent of a carefully negotiated settlement agreement in the mid-1980s to ensure the legitimate claims of the two Colorado Ute Tribes could be met without harm to the existing uses of their non-tribal neighbors.

Since 2002, the Bureau of Reclamation has made much progress, and work has been completed or initiated on many key project features. This increased funding will allow the Bureau to move forward in a way that will ensure timely completion of the A–LP and avoid costly delays.

The FY2006 Energy and Water Appropriations bill also includes $315,000 for the Arkansas River Habitat Restoration Project. The U.S. Army Corps of Engineers in cooperation with the City of Pueblo, Colorado has completed 90 percent of the project including fish habitat structures along a 9-mile section of the river below Pueblo Dam through downtown Pueblo. This funding would be used to complete the project which is an important environmental restoration project for the project.

Finally, the Committee also provided a $1.021 million appropriation for the Army Corps of Engineers to engage in operations and maintenance at Trinidad Lake, Colorado; this amount represents almost a $100,000 increase from the FY2005 funding level. Trinidad Lake is a multipurpose project for flood control, irrigation and recreation, and was authorized by the 1958 Flood Control Act. The lake is located in southern Colorado on the Purgatoire River, and bordered by the historic Santa Fe Trail. The dam itself is an earthfill structure 6,860 feet long and 200 feet high, and constructed with some 8 million cubic yards of earth and rock.

Each project is an important part of improving water related infrastructure. As this bill proceeds through the appropriations process, I will continue the fight to preserve funding for the 3rd District of Colorado.

Mr. HOBSON. Mr. Chairman, I yield back the balance of my time, and I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mr. GOODLATTE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2419) making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes, had come to no resolution thereon.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Any record vote on the postponed question will be taken later today.

STEM CELL THERAPEUTIC AND RESEARCH ACT OF 2005

Mr. BARTON of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2520) to provide for the collection and maintenance of human cord blood stem cells for the treatment of patients and research, and to amend the Public Health Service Act to authorize the C.W. Bill Young Cell Transplantation Program.

The Clerk read as follows:

H.R. 2520

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 ''Stem Cell Therapeutic and Research Act of 2005''.

SEC. 2. CORD BLOOD INVENTORY.

(a) IN GENERAL.—The Secretary of Health and Human Services shall enter into one-time contracts with qualified cord blood stem cell banks to assist in the collection and maintenance of 150,000 units of high-quality human cord blood to be made available for transplantation through the C.W. Bill Young Cell Transplantation Program and to carry out the requirements of subsection (b).

(b) REQUIREMENTS.—The Secretary shall require each recipient of a contract under this section—

(1) to acquire, tissue-type, test, cryopreserve, and store donated units of human cord blood acquired with the informed consent of the donor in a manner that complies with applicable Federal and State regulations;

(2) to make cord blood units that are collected pursuant to this section or otherwise and meet all applicable Federal standards available to transplant centers for stem cell transplantation;

(3) to make cord blood units that are collected, but not appropriate for clinical use, available for peer-reviewed research;

(4) to submit data in a standardized format, as required by the Secretary, for the C.W. Bill Young Cell Transplantation Program; and

(5) to submit data for inclusion in the stem cell therapeutic outcomes database maintained under section 379A of the Public Health Service Act, as amended by this Act.

(c) APPLICATION.—To seek to enter into a contract under this section, a qualified cord blood stem cell bank shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. At a minimum, an application for a contract under this section shall include an assurance that the applicant—

(1) will participate in the C.W. Bill Young Cell Transplantation Program for a period of at least 10 years; and

(2) in the event of abandonment of this activity prior to the expiration of such period, will transfer the units collected pursuant to this section to another qualified cord blood stem cell bank approved by the Secretary to ensure continued availability of cord blood units.

(d) DURATION OF CONTRACTS.—

(1) IN GENERAL.—The Secretary may not enter into any contract under this section for a period that—

(A) exceeds 3 years; or

(B) ends after September 30, 2010.

(2) EXTENSIONS.—Subject to paragraph (1)(B), the Secretary may extend the period of a contract under this section to exceed a period of 3 years if—

(A) the Secretary finds that 150,000 units of high-quality human cord blood have not yet been collected pursuant to this section; and

(B) the Secretary does not receive an application for a contract under this section from any qualified cord blood stem cell bank that has not previously entered into a contract under this section or the Secretary determines that the outstanding inventory need cannot be met by the one or more qualified cord blood stem cell banks that have submitted an application for a contract under this section.

(e) REGULATIONS.—The Secretary may promulgate regulations to carry out this section.

(f) DEFINITIONS.—In this section:

(1) The term ''C.W. Bill Young Cell Transplantation Program'' means the C.W. Bill Young Cell Transplantation Program under section 379 of the Public Health Service Act, as amended by this Act.

(2) The term ''cord blood donor'' means a mother who has delivered a baby and consents to donate the neonatal blood remaining in the placenta and umbilical cord after separation from the newborn baby.

(3) The term ''human cord blood unit'' means the neonatal blood collected from the placenta and umbilical cord.

(4) The term ''qualified cord blood stem cell bank'' has the meaning given to that term in section 379(b) of the Public Health Service Act, as amended by this Act.

(5) The term ''Secretary'' means the Secretary of Health and Human Services.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) FISCAL YEAR 2006.—Any amounts appropriated to the Secretary for fiscal year 2004 or 2005 for the purpose of assisting in the collection or maintenance of human cord blood shall remain available to the Secretary until the end of fiscal year 2006 for the purpose of carrying out this section.

(2) SUBSEQUENT FISCAL YEARS.—There are authorized to be appropriated to the Secretary $15,000,000 for each of fiscal years 2007, 2008, 2009, and 2010 to carry out this section. Amounts appropriated pursuant to this paragraph shall remain available for obligation through the end of fiscal year 2010.

SEC. 3. C.W. BILL YOUNG CELL TRANSPLANTATION PROGRAM.

(a) NATIONAL PROGRAM.—Section 379 of the Public Health Service Act (42 U.S.C. 274k) is amended—

(1) in the section heading, by striking ''**NATIONAL REGISTRY**'' and inserting ''**NATIONAL PROGRAM**'';

(2) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''The Secretary shall by contract'' and all that follows through the end of such matter and inserting ''The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall by one or more contracts establish and maintain a C.W. Bill Young Cell Transplantation Program that has the purpose of increasing the number of transplants for recipients suitably matched to biologically unrelated donors of bone marrow and cord blood, and that meets the requirements of this section. The Secretary may award a separate contract to perform each of the major functions of the Program described in paragraphs (1) and (2) of subsection (b) if deemed necessary by the Secretary to operate an effective and efficient system. The Secretary shall conduct a separate competition for the initial establishment of the cord blood functions of the Program. The Program shall be under the general supervision of the Secretary. The Secretary shall establish an Advisory Council to advise, assist, consult with, and make recommendations to the Secretary on matters related to the activities carried out by the Program. The members of the Advisory Council shall be appointed in accordance with the following:'';

(B) in paragraph (1), by striking ''except that'' and all that follows and inserting ''except that—

''(A) such limitations shall not apply to the Chair of the Advisory Council (or the Chair-elect) or to the member of the Advisory Council who most recently served as the Chair; and

''(B) 1 additional consecutive 2-year term may be served by any member of the Advisory Council who has no employment, governance, or financial affiliation with any donor center, recruitment group, transplant center, or cord blood stem cell bank.'';

(C) by amending paragraph (4) to read as follows:

''(4) The membership of the Advisory Council—

''(A) shall include as voting members a balanced number of representatives including representatives of marrow donor centers and marrow transplant centers, representatives of cord blood stem cell banks and participating birthing hospitals, recipients of a bone marrow transplant and cord blood transplants, persons who require such transplants, family members of such a recipient or family members of a patient who has requested the assistance of the Program in searching for an unrelated donor of bone marrow or cord blood, persons with expertise in blood stem cell transplantation including cord blood, persons with expertise in typing, matching, and transplant outcome data analysis, persons with expertise in the social sciences, and members of the general public; and

''(B) shall include as nonvoting members representatives from the Department of Defense Marrow Donor Recruitment and Research Program operated by the Department of the Navy, the Division of Transplantation of the Health Resources and Services Administration, the Food and Drug Administration, and the National Institutes of Health.''; and

(D) by adding at the end the following:

''(5) Members of the Advisory Council shall be chosen so as to ensure objectivity and balance and reduce the potential for conflicts of interest. The Secretary shall establish bylaws and procedures—

''(A) to prohibit any member of the Advisory Council who has an employment, governance, or financial affiliation with a donor center, recruitment group, transplant center, or cord blood stem cell bank from participating in any decision that materially affects the center, recruitment group, transplant center, or cord blood stem cell bank; and

''(B) to limit the number of members of the Advisory Council with any such affiliation.

''(6) The Secretary, acting through the Advisory Council, shall submit to the Congress—

''(A) an annual report on the activities carried out under this section; and

''(B) not later than 6 months after the date of the enactment of the Stem Cell Therapeutic and Research Act of 2005, a report of recommendations on the scientific factors necessary to define a cord blood unit as a high-quality unit.'';

(3) by amending subsection (b) to read as follows:

''(b) FUNCTIONS.—

''(1) BONE MARROW FUNCTIONS.—With respect to bone marrow, the Program shall—

''(A) operate a system for listing, searching, and facilitating the distribution of bone marrow that is suitably matched to candidate patients;

''(B) carry out a program for the recruitment of bone marrow donors in accordance with subsection (c), including with respect to increasing the representation of racial and ethnic minority groups (including persons of mixed ancestry) in the enrollment of the Program;

''(C) maintain and expand medical emergency contingency response capabilities in concert with Federal programs for response to threats of use of terrorist or military weapons that can damage marrow, such as ionizing radiation or chemical agents containing mustard, so that the capability of supporting patients with marrow damage from disease can be used to support casualties with marrow damage;

''(D) carry out informational and educational activities in accordance with subsection (c);

''(E) at least annually update information to account for changes in the status of individuals as potential donors of bone marrow;

''(F) provide for a system of patient advocacy through the office established under subsection (d);

''(G) provide case management services for any potential donor of bone marrow to whom the Program has provided a notice that the potential donor may be suitably matched to a particular patient (which services shall be provided through a mechanism other than the system of patient advocacy under subsection (d)), and conduct surveys of donors and potential donors to determine the extent of satisfaction with such services and to identify ways in which the services can be improved;

''(H) with respect to searches for unrelated donors of bone marrow that are conducted through the system under subparagraph (A), collect, analyze, and publish data on the number and percentage of patients at each of the various stages of the search process, including data regarding the furthest stage reached, the number and percentage of patients who are unable to complete the search process, and the reasons underlying such circumstances;

''(I) support studies and demonstration and outreach projects for the purpose of increasing the number of individuals who are willing to be marrow donors to ensure a genetically diverse donor pool;

''(J) conduct and support research to improve the availability, efficiency, safety, and cost of transplants from unrelated donors and the effectiveness of Program operations; and

''(K) assist qualified cord blood stem cell banks in the Program in accordance with paragraph (3).

Subsections (c) through (e) apply with respect to each entity awarded a contract under this section with respect to bone marrow.

''(2) CORD BLOOD FUNCTIONS.—With respect to cord blood, the Program shall—

''(A) operate a system for identifying, matching, and facilitating the distribution of donated cord blood units that are suitably matched to candidate patients and meet all applicable Federal and State regulations (including informed consent and Food and Drug Administration regulations) from a qualified cord blood stem cell bank;

''(B) allow transplant physicians, other appropriate health care professionals, and patients to search by means of electronic access all available cord blood units listed in the Program;

''(C) allow transplant physicians and other appropriate health care professionals to tentatively reserve a cord blood unit for transplantation;

''(D) support studies and demonstration and outreach projects for the purpose of increasing cord blood donation to ensure a genetically diverse collection of cord blood units; and

''(E) coordinate with the Secretary to carry out information and educational activities for the purpose of increasing cord blood donation and promoting the availability of cord blood units as a transplant option.

''(3) SINGLE POINT OF ACCESS.—If the Secretary enters into a contract with more than one entity to perform the functions outlined in this subsection, the Secretary shall establish procedures to ensure that health care professionals and patients are able to obtain, consistent with the functions described in paragraphs (1)(A) and (2)(A), cells from adult donors and cord blood units through a single point of access.

''(4) DEFINITION.—The term 'qualified cord blood stem cell bank' means a cord blood stem cell bank that—

''(A) has obtained all applicable Federal and State licenses, certifications, registrations (including pursuant to the regulations of the Food and Drug Administration), and other authorizations required to operate and maintain a cord blood stem cell bank;

''(B) has implemented donor screening, cord blood collection practices, and processing methods intended to protect the health and safety of donors and transplant recipients to improve transplant outcomes,

including with respect to the transmission of potentially harmful infections and other diseases;

''(C) is accredited by an accreditation body recognized pursuant to a public process by the Secretary;

''(D) has established a system of strict confidentiality to protect the identity and privacy of patients and donors in accordance with existing Federal and State law; and

''(E) has established a system for encouraging donation by a genetically diverse group of donors.'';

(4) in subsection (c)—

(A) in paragraph (1), by striking ''The Registry shall carry out a program for the recruitment'' and inserting ''With respect to bone marrow, the Program shall carry out a program for the recruitment'';

(B) in paragraph (2)(A)—

(i) in the matter preceding clause (i), by striking the first sentence and inserting ''In carrying out the program under paragraph (1), the Program shall carry out informational and educational activities, in coordination with organ donation public awareness campaigns operated through the Department of Health and Human Services, for purposes of recruiting individuals to serve as donors of bone marrow and shall test and enroll with the Program potential donors.''; and

(ii) in clause (ii), by striking '', including providing updates''; and

(C) in paragraph (3), by striking ''the availability, as a potential treatment option, of receiving a transplant of bone marrow from an unrelated donor'' and inserting ''transplants from unrelated donors as a treatment option and resources for identifying and evaluating other therapeutic alternatives'';

(5) in subsection (d)—

(A) in paragraph (1), by striking ''The Registry shall'' and inserting ''With respect to bone marrow, the Program shall'';

(B) in paragraph (2)(C), by inserting ''and assist with information regarding third party payor matters'' after ''ongoing search for a donor'';

(C) in subparagraphs (C), (D), and (E) of paragraph (2), by striking the term ''subsection (b)(1)'' each place such term appears and inserting ''subsection (b)(1)(A)'';

(D) in paragraph (2)(F)—

(i) by redesignating clause (v) as clause (vi); and

(ii) by inserting after clause (iv) the following:

''(v) Information concerning issues that patients may face after a transplant regarding continuity of care and quality of life.''; and

(E) in paragraph (3)(B), by striking ''Office may'' and inserting ''Office shall'';

(6) in the matter preceding paragraph (1) in subsection (e), by striking ''the Secretary shall'' and inserting ''with respect to bone marrow, the Secretary shall'';

(7) by amending subsection (f) to read as follows:

''(f) COMMENT PROCEDURES.—The Secretary shall establish and provide information to the public on procedures under which the Secretary shall receive and consider comments from interested persons relating to the manner in which the Program is carrying out the duties of the Program.'';

(8) by amending subsection (g) to read as follows:

''(g) CONSULTATION.—In developing policies affecting the Program, the Secretary shall consult with the Advisory Council, the Department of Defense Marrow Donor Recruitment and Research Program operated by the Department of the Navy, and the board of directors of each entity awarded a contract under this section.'';

(9) in subsection (h)—

(A) by striking ''APPLICATION.—'' and inserting ''CONTRACTS.—'';

(B) by striking ''To be eligible'' and inserting the following:

''(1) APPLICATION.—To be eligible''; and

(C) by adding at the end the following:

''(2) CONSIDERATIONS.—In awarding contracts under this section, the Secretary shall give substantial weight to the continued safety of donors and patients and other factors deemed appropriate by the Secretary.''; and

(10) by striking subsection (l).

(b) STEM CELL THERAPEUTIC OUTCOMES DATABASE.—Section 379A of the Public Health Service Act (42 U.S.C. 274l) is amended to read as follows:

''SEC. 379A. STEM CELL THERAPEUTIC OUTCOMES DATABASE.

''(a) ESTABLISHMENT.—The Secretary shall by contract establish and maintain a scientific database of information relating to patients who have been recipients of stem cell therapeutics product (including bone marrow, cord blood, or other such product) from a biologically unrelated donor.

''(b) INFORMATION.—The outcomes database shall include information with respect to patients described in subsection (a), transplant procedures, and such other information as the Secretary determines to be appropriate, to conduct an ongoing evaluation of the scientific and clinical status of transplantation involving recipients of bone marrow from biologically unrelated donors and recipients of a stem cell therapeutics product.

''(c) ANNUAL REPORT ON PATIENT OUTCOMES.—The Secretary shall require the entity awarded a contract under this section to submit to the Secretary an annual report concerning patient outcomes with respect to each transplant center, based on data collected and maintained by the entity pursuant to this section.

''(d) PUBLICLY AVAILABLE DATA.—The outcomes database shall make relevant scientific information not containing individually identifiable information available to the public in the form of summaries and data sets to encourage medical research and to provide information to transplant programs, physicians, patients, entities awarded a contract under section 379 donor registries, and cord blood stem cell banks.''.

(c) DEFINITIONS.—Part I of title III of the Public Health Service Act (42 U.S.C. 274k et seq.) is amended by inserting after section 379A the following:

''SEC. 379A–1. DEFINITIONS.

''In this part:

''(1) The term 'Advisory Council' means the advisory council established by the Secretary under section 379(a)(1).

''(2) The term 'bone marrow' means the cells found in adult bone marrow and peripheral blood.

''(3) The term 'outcomes database' means the database established by the Secretary under section 379A.

''(4) The term 'Program' means the C.W. Bill Young Cell Transplantation Program established under section 379.''.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 379B of the Public Health Service Act (42 U.S.C. 274m) is amended to read as follows:

''SEC. 379B. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—For the purpose of carrying out this part, there are authorized to be appropriated $28,000,000 for fiscal year 2006 and $32,000,000 for each of fiscal years 2007 through 2010.

''(b) EMERGENCY CONTINGENCY RESPONSE CAPABILITIES.—In addition to the amounts authorized to be appropriated under subsection (a), there is authorized to be appropriated $2,000,000 for the maintenance and expansion of emergency contingency response capabilities under section 379(b)(1)(C).''.

(e) CONFORMING AMENDMENTS.—Part I of title III of the Public Health Service Act (42 U.S.C. 274k et seq.) is amended—

(1) in the title heading, by striking ''**NATIONAL BONE MARROW DONOR REGISTRY**'' and inserting ''**C.W. BILL YOUNG CELL TRANSPLANTATION PROGRAM**''; and

(2) in section 379, as amended by this section—

(A) in subsection (a), by striking the term ''board'' each place such term appears and inserting ''Advisory Council'';

(B) in subection (c)—

(i) in the matter preceding subparagraph (A) in paragraph (1), by striking ''Such program'' and inserting ''Such recruitment program'';

(ii) in paragraph (2), by striking ''program under paragraph (1)'' and inserting ''recruitment program under paragraph (1)''; and

(iii) in paragraph (3), by striking ''program under paragraph (1)'' and inserting ''recruitment program under paragraph (1)'';

(C) in subsection (d)(2)(E), by striking ''Registry program'' and inserting ''Program'';

(D) in subsection (e)—

(i) in the matter preceding paragraph (1), by striking ''participating in the program, including the Registry,'' and inserting ''participating in the Program, including''; and

(ii) in paragraph (6), by striking ''the program'' and inserting ''the Program''; and

(E) by striking the term ''Registry'' each place such term appears and inserting ''Program''.

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

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

GENERAL LEAVE

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material on the bill.

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

There was no objection.

Mr. BARTON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 2520, the Stem Cell Therapeutic and Research Act of 2005, legislation I have cosponsored along with the honorable gentleman from New Jersey (Mr. SMITH), who is in the Chamber. This would expand the number of stem cell options available to Americans suffering from life-threatening diseases.

Every year, nearly two-thirds of the approximately 200,000 patients in need of a bone marrow transplant will not find a marrow donor match within their families. These patients must rely on the help of strangers to donate bone marrow for a transplant. To assist these patients, Congress established the National Bone Marrow Registry to quickly match donors to patients. Through this program, Congress made a significant investment to connect patients with a rich source of stem cells that offer immediate clinical benefits.

With scientific advances, Congress must now make changes to reflect new

therapeutic options. Cord blood units have been shown to be a suitable alternative to adult bone marrow for the treatment of many diseases, including sickle cell anemia. This is an especially important advancement for those Americans who have desperately searched for a marrow donor but could not find a match with even the help of the National Bone Marrow Registry. As another rich source of stem cells, a cord blood transplant is another chance at life for many of these patients.

The bill before us today builds on the critical investments we have made over the past 2 decades with the National Bone Marrow Registry and retools this design into a new, more comprehensive stem cell transplantation program, which will include not only bone marrow but also cord blood units. Through a competitive contracting process, this new program will allow transplant doctors and patients to access information about cord blood units and bone marrow donors, at the same time, and I want to emphasize at the same time, through a single point of access. This new program does not create a preference for either cord blood or bone marrow. Instead, it will provide comprehensive information about both sources of stem cells to doctors and patients and allow them to make the most clinically appropriate choice.

I want to recognize the gentleman from Florida (Mr. YOUNG) at this time. It was the gentleman from Florida's (Mr. YOUNG) drive, when he was chairman of the Committee on Appropriations, and his steadfast support for the idea of a national registry for bone marrow that led to the program's creation. The gentleman from Florida's (Mr. YOUNG) lifesaving work is evident again today in the program's new design and goals. I am pleased that Congress is recognizing his dedication by naming this new program the C.W. Bill Young Cell Transplantation Program. I do not see the gentleman from Florida (Mr. YOUNG) in the Chamber, but at the appropriate time when he does arrive, I hope that the body will give him a standing ovation for his work in this area.

The capacity to search for cord blood units through a national network of cord blood banks will help facilitate cord blood transplants. We also need to expand the inventory of cord blood units so that more transplants can occur. The bill before us today authorizes a new grant program to provide subsidies to cord blood stem cell banks to expand the inventory of high-quality cord blood units that will be included in the new, expanded Cell Transplantation Program. I think that number is 150,000 units, which is a significant increase.

In addition to expanding the number of cord blood units available for clinical use to save lives today, the bill would also expand the number of cord blood units available for research. Research on adult stem cells holds the potential to develop new cures for many diseases, as well as to expand our knowledge of how human beings develop and the body works.

I would also like to make a personal aside here. My wife and I are expecting a child in September, and we are working with the cord blood people as we speak so that my son, and it is going to be a little boy and we are going to name him Jack Kevin, that we are going to save his cord blood so that some day in the future, if he needs it, it will be available. So in this case I can honestly say, in addition to sponsoring the bill, I am beginning to practice what I am preaching today.

It is not enough to connect patients with lifesaving donors. We also need to better understand how these patients fair when they receive the transplants. The bill would authorize research on the clinical outcomes of patients who are recipients of a stem cell therapeutic product, including bone marrow, cord blood, and other such products, from a biologically unrelated donor. It is my hope that this additional research will trigger new scientific breakthroughs to enhance and advance human life.

This is an important bill that merited many hours of negotiation, demanded the willingness of all those involved to put the interest of their patients first. I would like to thank the bill's primary sponsor, the honorable gentleman from New Jersey (Mr. SMITH). I would also like to thank the gentleman from Florida (Mr. YOUNG); the House leadership, including the honorable gentleman from Texas (Mr. DELAY); Congressional Black Caucus; the gentleman from Michigan (Mr. DINGELL), the ranking Democrat on the committee; the gentleman from Ohio (Mr. BROWN), the subcommittee ranking member who is here to speak on the bill; and all of the staff who have labored on this bill.

Particularly, I would like to thank Cheryl Jaeger, on my left, of my committee staff, for all of her efforts. She has been tireless in the last several months working on this bill. In the last few weeks, she has been able to forge a compromise that ultimately was acceptable to all the advocates of both bone marrow and cord blood.

We will continue to improve the legislation that moves forward so that pregnant women are informed of all of their options with respect to cord blood donation and the programmatic activities of the Cell Transplantation Program are clarified.

Mr. Speaker, at the appropriate time, I would urge all of my colleagues to support this bill. It is good legislation, well thought out, and deserving of majority support.

THE STEM CELL THERAPEUTIC AND RESEARCH ACT OF 2005 ESTABLISHES A FOUNDATION FOR IMPROVING ACCESS TO LIFESAVING CELLULAR THERAPY TRANSPLANTS

The National Marrow Donor Program (NMDP) is pleased that the sponsors of the Stem Cell Therapeutic and Research Act of 2005 have taken a positive step forward toward expanding the long-standing Congressional commitment to cellular transplant therapies by introducing legislation to continue Federal support for bone marrow, peripheral blood, and umbilical cord blood transplantation and research. Through the legislation introduced today, they acknowledge the important role Congress has played and must continue to play in ensuring that the more than 14,000 Americans in need of these types of transplants have access to them.

The bill calls for Federal dollars to increase the number of umbilical cord blood units available for transplant and research. Currently, there are 42,000 units available through the existing National Bone Marrow Donor Registry (National Registry), which also lists more than 9 million adult donors worldwide. With additional umbilical cord blood units added to this registry, more Americans who would otherwise not be able to locate a suitably matched adult donor will be able to find hope through a cord blood transplant. The NMDP estimates that with access to the existing adult donors and units, the addition of 150,000 cord blood units listed through the existing registry will provide a match for approximately 95 percent of Americans.

By designating the existing National Registry as the C.W. Bill Young Cell Transplantation Program, the sponsors have acknowledged Representative Young's unwavering commitment to the National Registry and its growth. In 1986, Representative Young's vision of a single integrated national bone marrow donor registry became a reality. Since that time, the National Registry has facilitated more than 21,000 unrelated transplants involving cord blood, bone marrow, and peripheral blood. It now includes more than 5 million U.S. adult volunteer donors and has links to another 4 million worldwide. As evidence supporting cord blood as a source of the same cells found in bone marrow and peripheral blood has grown, the National Registry, operated by the NMDP, has expanded to include more than 42,000 cord blood units through the NMDP's partnership with 14 of the 20 U.S. public cord blood banks. We join the sponsors in saluting Representative Young's dedication to helping the thousands of Americans in need of these types of transplants.

The expansion of the Program will benefit patients most if they are able to access the new sources of cells easily and efficiently. The NMDP supports the intent of the sponsors to provide patients and physicians with access to cord blood, bone marrow, and peripheral blood stem cells through a single point of access. To ensure the continued expansion of cord blood transplants, it is important that patients and physicians can search for all of these sources through a single registry, compare each source of cells for transplant quickly and efficiently, and obtain the cells once the search process is finished. One-stop-shopping to obtain information and logistical support is a critical component of the success of transplantation regardless of whether adult donors or cord blood units are used. The bill recognizes this need by calling for a single point of access for these activities to build upon the National Registry. Using the current registry as a basis for the new program will ensure that limited resources are dedicated to increasing the availability of matches and not in reinventing new bureaucracies.

Although this bill is a step in the right direction, it is critically important that the Program also have the authority to establish criteria and standards that provide transplant physicians with the assurances they

need to be confident that when they compare various cord blood units and/or adult donors, they have the same type of information about each unit or donor. In addition, the NMDP urges members to recognize that transplant patients may encounter other barriers to accessing cellular therapy transplants. The need for assistance in addressing barriers to access should be extended to all recipients of transplants under this program, regardless of cell source. Physicians and patients must be able to receive all of the services necessary for a successful transplant, including distribution coordination, patient counseling, translation assistance, testing, insurance coordination, and other patient advocacy services. We look forward to working with the sponsors and the Department of Health and Human Services to strengthen these provisions of the legislation.

The NMDP applauds the sponsors for undertaking this important public health initiative. Through their leadership, thousands of Americans who might otherwise die will have access to lifesaving bone marrow, peripheral blood stem cell, and cord blood transplants.

STATEMENT OF ADMINISTRATION POLICY—MAY 24, 2005

H.R. 2520—Stem Cell Therapeutic and Research Act of 2005

(Rep. Smith (R) NJ and 78 cosponsors)

The Administration strongly supports House passage of H.R. 2520, which would facilitate the use of umbilical-cord-blood stem cells in biomedical research and in the treatment of disease. Cord-blood stem cells, collected from the placenta and umbilical cord after birth without doing harm to mother or child, have been used in the treatment of thousands of patients suffering from more than 60 different diseases, including leukemia, Fanconi anemia, sickle cell disease, and thalassemia. Researchers also believe cord-blood stem cells may have the capacity to be differentiated into other cell types, making them useful in the exploration of ethical stem cell therapies for regenerative medicine.

H.R. 2520 would increase the publicly available inventory of cord-blood stem cells by enabling the Department of Health and Human Services (HHS) to contract with cord-blood banks to assist them in the collection and maintenance of 150,000 cord-blood stem cell units. This would make matched cells available to treat more than 90 percent of patients in need. The bill would also link all participating cord-blood banks to a search network operated under contract with HHS, allowing physicians to search for matches for their patients quickly and effectively in one place. The bill also would reauthorize a similar program already in place for aiding the use of adult bone marrow in medical care. There is now $19 million available to implement the Cord Blood Cell Bank program; the Administration will work with the Congress to evaluate future spending requirements for these activities. The bill is also consistent with the recommendation from the National Academy of Science to create a National Cord Blood Stem Cell Bank program.

The Administration also applauds the bill's effort to facilitate research into the potential of cord-blood stem cells to advance regenerative medicine in an ethical way. Some research indicates that cord blood cells may have the ability to be differentiated into other cell types, in ways similar to embryonic stem cells, and so present similar potential uses but without raising the ethical problems involved in the intentional destruction of human embryos. The Administration encourages efforts to seek ethical ways to pursue stem cell research, and believes that—with the appropriate combination of responsible policies and innovative scientific techniques—this field of research can advance without violating important ethical boundaries. H.R. 2520 is an important step in that direction.

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

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

Today, Mr. Speaker, we will consider two bills that have significant bearing on the future of medicine and medical research in our country. I want to thank the gentleman from New Jersey (Mr. SMITH) and the gentleman from Texas (Mr. BARTON) for their work on the first of these bills. The Smith-Barton legislation reauthorizes the National Bone Marrow Donor Program and adds a new national cord blood registry. Cord blood and bone marrow have several therapeutic uses in common: first and foremost, the treatment of blood diseases. Coordinating these two registries makes sense for patients, for doctors, and for the public health. With this kind of coordinated program, there will be a single entry point for transplant doctors and their patients to locate available cord blood units.

This bill also increases outreach and education efforts so that we can amass the most diverse possible reserves of cord blood. It improves data keeping and distribution so that necessary blood gets to patients as quickly and as accurately as possible. In addition to the therapeutic uses of cord blood, this bill makes cord blood stem cells available for research purposes.

There is clearly therapeutic potential in the use of cord blood and adult stem cells. Some of the most important research in this area is taking place in Ohio, in northeast Ohio, where I call home, at the National Center for Regenerative Medicine, a partnership of Case Western Reserve University hospitals, and the Cleveland Clinic in Cleveland.

I mentioned we will be considering two bills today that have significant bearing on the future of medicine. And it is in the research area that the distinctions between these two bills takes on the greatest significance.

□ 1230

Smith-Barton focuses on cord-blood and adult stem cell research. In the Castle-DeGette bipartisan bill, it focuses on embryonic stem cell research. That is a critical distinction, and the House needs to acknowledge that. Cord-blood and adult stem cell research are not substitutes for embryonic stem cell research. They are not alternative avenues to the same medical outcomes. Each type of research holds unique potential.

For example, while adult stem cells represent an important advance in the treatment of blood disorders, these cells simply do not occur in every tissue in the body. Because there are no adult stem cells, for example, in the pancreas, the potential of adult stem cells to develop into therapies for a disease like diabetes is very limited. That is one example of many.

Embryonic stem cell, on the other hand, can grow into any type of cell in the body, making potential use of these far more diverse and far more valuable.

We should not minimize the importance of cord-blood and adult stem cell research, but by the same token, we shouldn't mislead the public into believing that if Smith-Barton passes, the Castle-DeGette bill is unnecessary, because surely it is not. It is irresponsible and even dangerous for Members of this body to distort the value of one form of research in order to stifle another promising avenue of research.

We in this Congress have a responsibility to support medical research and to foster its development, as the committee of the gentleman from Texas (Mr. BARTON) committee has done well over time. Millions of lives have been saved and improved because of the brilliant research conducted in this country. We also have a responsibility to speak honestly about that research and its potential.

Both sides of this debate owe it to the public to draw clear lines between the beliefs we hold and the facts that hold, regardless of what we believe. The fact is that cord-blood research, adult stem cell research and embryonic stem cell research are not interchangeable. The fact is, if we invest in all three types of research, we may finally be able to find cures for debilitating illnesses, cures that are currently beyond our reach.

The fact is, if the U.S. withholds funding for embryonic stem cell research, that research will continue, just at a significantly slower pace. People that you and I know, they may be friends, they may be family members, they may be professional colleagues, will suffer and die from potentially curable illnesses while we wait for the rest of the world to fill our shoes.

Researchers in other nations, researchers in private institutions in this country, are pursuing embryonic stem cell research because they know that it is possible to accomplish this research in an ethical manner. Embryonic stem cell research does not and need not increase the number of embryos that are destroyed. Instead, it decreases the number of embryos that are destroyed in vain.

We will have an opportunity today to pass two pieces of legislation, both are important, that will deliver hope to patients whose futures depend on new answers to life and death medical questions. Our Nation cannot pick and choose between cord-blood research and adult stem cell research and embryonic stem cell research if we want to answer all these questions, unless we want to offer hope to some and sympathy to others.

Mr. Speaker, I urge Members to vote in favor of both the Smith-Barton bill

and the Castle-DeGette bill. Doing so will show that what you know and what you believe intersects at the point where medical progress is harnessed to alleviate untold human suffering.

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

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that debate on this motion be extended by 20 minutes, equally divided between myself and the gentleman from Ohio (Mr. BROWN).

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

There was no objection.

Mr. BARTON of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. SMITH), the original author of the bill and my cosponsor.

Mr. SMITH of New Jersey. Mr. Speaker, I thank my good friend for yielding and for his leadership on this bill and for cosponsoring it, along with the gentleman from Alabama (Mr. DAVIS) on the other side of the aisle for his leadership over the last 3 years as we crafted this legislation. It is finally on the floor after almost 3 years of work; and again I thank my friend, the gentleman from Alabama (Mr. DAVIS) for his leadership.

One of the best kept secrets in America today is that umbilical cord-blood stem cells and adult stem cells are curing people of a myriad of terrible conditions and diseases. One of the greatest hopes that I have is that these current-day miracles, denied to many because of an insufficient inventory and inefficient means of matching cord-blood stem cells with patients, will now become available to tens of thousands of patients as a direct result of the Stem Cell Therapeutic and Research Act of 2005, H.R. 2520.

Amazingly, we are on the threshold of systematically turning medical waste, umbilical cords and placentas, into medical miracles for huge numbers of very sick and terminally ill patients who suffer from such maladies as leukemia and sickle cell anemia. And because this legislation promotes cord-blood research as well, we can expect new and expanded uses of these very versatile stem cells.

For the first time ever, our bill establishes a nationwide stem cell transplantation system. It also authorizes the national bone marrow transplant system and combines both under a new program, providing an easy, single-access point for information for doctors and patients and for the purpose of collecting and analyzing outcomes data.

The new program created in our legislation is named for our distinguished colleague, the gentleman from Florida (Mr. YOUNG), because of all of his great work on bone marrow transplantation over the last 2 decades.

Mr. Speaker, cord-blood stem cells are already treating and curing patients. Unlike embryonic stem cell research that has not cured one person, cord-blood stem cells are treating patients. The New York Blood Center, for example, has treated thousands of patients with more than 65 different diseases, including sickle cell disease, leukemia and osteoporosis.

Some of those patients came and told their stories yesterday at a press conference, and they are in the gallery watching this debate right now. One of those men, a young man named Keonne Penn was here to tell his story of how he was cured of sickle cell anemia, and he said, ''If it wasn't for cord-blood stem cells, I would probably be dead by now. It is a good thing I found a match. It saved my life.''

Stephen Sprague, another man who was cured of leukemia, said he too was lucky to find a cord-blood match. And 22-year-old Jaclyn Albanese, who just graduated from Rutgers University from my State, said, ''If the New York blood center had not been there, I do not know what kind of shape I would be in.'' She is thankful as well.

Mr. Speaker, I say to my colleagues, cord-blood has also been used to treat Hurler's disease and Krabbe's disease, both neurological conditions, which blows away the idea that cord-blood stem cells are limited in the potential and the capacity to turn into other kinds of cells. That is not too surprising, I say to my colleagues, when you simply read the published literature on the flexibility of cord-blood stem cells.

According to a July 2004 study published in the Journal of Experimental Medicine, a research group led by Dr. Kogler found ''a new human somatic stem cell from placental cord-blood with intrinsic pluripotent differential potential,'' which means it can become any type of cell in the body. In addition, they found that the cells could expand to 10 quadrillion, or 10 to the power of 15, cells before losing any pluripotent abilities.

And cord-blood stem cells are not only ahead in treating real human patients, they are also able to turn into different kinds of cells for research. One company has already turned cord-blood stem cells into representatives of three germinal layers, including neural stem cells, nerve stem cells, liver/pancreas precursors, skeletal muscle, fat cells, bone cells and blood vessels.

Last month, Celgene Corporation announced that cord-blood cells ''are 'pluripotent', or have the ability to become different types of tissue.'' So we are just on the beginning of realizing the vast potential of what was formerly medical waste and has now been turned into these medical miracles.

Let me just say to my colleagues that this idea that research on bone marrow and cord-blood stem cells has been researched on for decades and that embryo stem cells have only been researched for a short time is ludicrous and an unfair attack on cord-blood stem cell research. During the entire period where research has been happening in this area of regenerative medicine, the idea that cells can change types and repair organs, both adult and embryo cells have been around in animals. And, again, great progress has been made in the cord-blood and the adult stem cell. My bill needs to be passed.

Mr. BROWN of Ohio. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. MATSUI).

(Ms. MATSUI asked and was given permission to revise and extend 2 remarks.)

Ms. MATSUI. Mr. Speaker, I rise today in support of H.R. 2520, as well as the Stem Cell Research Enhancement Act, as both bills are part of today's larger debate on stem cell research and the hope being offered with them.

As Samuel Smiles said, ''Hope is the companion of power and the mother of success; for who so hopes has within him the gift of miracles.''

That is what today's debate is about, because at its core, stem cell research is about the idea of hope and miracles, a hope which has become quite personal for me. As you know, my husband Bob, who worked with all of you for so many years, suffered from a rare bone marrow disorder. I saw what this disease did to him. I saw his life cut short. And it is my hope that by expanding stem cell research, other families will have more than just a hope for a cure for this disease, as well as many, many others.

But to be effective, hope and optimism need to be based on a possibility. This is what we are talking about today, whether or not this country will close the door on hope on the unexplainable, on what is truly a miracle. It is clear that by passing this bill and the Stem Cell Research Enhancement Act we will not be reading articles in next week's paper that we found the cure for cancer or any other disease, that we hope to be effected. But I feel strongly that the effects of Federal dollars and involvement in stem cell research will make an unquestionable difference.

Our country has been a leader in so many areas of medicine. Now is not the time to cede our role to countries like South Korea, France or Great Britain. By doing so, we will not only diminish the contributions of Americans, but also our ability to shape and impact the ethical debate.

Both bills are an important step in harnessing the power of optimism. I hope we will not ignore this opportunity.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. FERGUSON), a member of the Committee on Energy and Commerce.

Mr. FERGUSON. Mr. Speaker, I thank the chairman for yielding me time.

Mr. Speaker, today we will hear some of our colleagues talk about the empty promise of embryonic stem cell research. They will argue for research

that not only requires the destruction of human life, but to date, has also not yielded a single therapy.

What we in Congress should be advocating for is the continuing advancement of adult stem cell research, a true scientific success story, which has benefited thousands of Americans already.

Perhaps nowhere is this success more evident than in the advancement of cord-blood stem cells. A rich source of stem cells, umbilical cords are already treating patients. Cord-blood stem cells have already been used to treat thousands of patients and more than 67 different diseases, including leukemia, sickle cell anemia and lymphoma. The New York Blood Center's National cord-blood program alone has provided transplants to over 1,500 gravely ill children and adults.

And there is great promise for the future. Studies have shown that these cells have the capacity to change into other cell types, giving them potential to treat debilitating conditions such as Parkinson's disease, spinal cord injury and diabetes.

The Stem Cell Therapeutic and Research Act focuses government efforts on research with real promise, providing Federal funding to increase the number of cord-blood units available to match and treat patients.

The bill also takes on the recommendations of the Institute of Medicine, providing a national network that would link all the cord-blood banks participating in an inventory program into a search system, allowing transplant physicians to search for cord-blood and bone marrow matches through a single-access point.

□ 1245

It would also promote additional stem cell research for units not suitable for transplant. The Stem Cell Therapeutic and Research Act advances true stem cell research, research with real promise, grounded in proven science; and it is ethically sound.

I urge my colleagues to join me in supporting this important and timely legislation.

Mr. BROWN of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Alabama (Mr. DAVIS).

Mr. DAVIS of Alabama. Mr. Speaker, let me begin by joining the various Members of this institution who will speak today and who will urge the passage of both of these bills. I certainly cannot speak with the particular passion of the gentlewoman from California (Ms. MATSUI) who has been touched by this issue, but this is a very good day for the House of Representatives. It is a very good day, because we have managed to reach across the partisan divides, I believe twice today, or we will manage to reach across the partisan divide, I believe twice today, to pass bills that are good for the American people and good for countless numbers of Americans who need this research.

I want to say something about the cord blood bill in particular. I have had the honor for 2 years of working with the gentleman from New Jersey (Mr. SMITH) on this bill, and I am a Democratic sponsor on it; and I want to thank him for his good work.

This bill will make an enormous difference to the African Americans around this country who often struggle with blood matches. Cord bloods do not require a blood match. The young man that we saw on the Cannon terrace yesterday who suffered from sickle cell anemia whose life has been permanently transformed by cord blood cell technology speaks to the power of this bill. We talk a great deal about health care disparities, and we ought to talk about health care disparities in this country; but rather than talk, this bill acts. It actually provides relief for a group of people who otherwise would not have seen it.

But I want to talk for just a moment about the concept of principled difference, because I think it is very much illustrated today. Mr. Speaker, the reason that this cord blood bill made it to the floor is in large measure because rather than digging in in opposition to stem cell opposition, as strongly as the gentleman from New Jersey (Mr. SMITH) feels about this issue, rather than digging in in opposition, the gentleman worked with the scientific community, he worked across the aisle to try to find another approach. And as circumstance has it, both of these approaches are before us today.

If we would somehow as an institution learn from his example, if we figured out how, rather than digging in and deciding how much we disagree with each other, what other ways exist, what ways can we find to work together, we would not have a 34 percent approval rating as an institution.

The final point that I will make is that I firmly believe that we have all of our genius and all of our brilliance as a scientific and medical community for a very good reason. I think that we are meant to use it. I am hopeful that all of the technological advances that have happened in the last several years, with cord blood cells and with stem cells, can make a significant difference.

So to all the Members of this institution, I simply urge them and encourage them to vote for both of these bills but, even more importantly, to accept this as an example of what happens when Democrats and Republicans find intelligent common ground. There will be people who will benefit from this, and I do not think it is going too far to say that lives will be saved because of these two bills.

So I thank the gentleman from New Jersey (Mr. SMITH) for his good work and, again, I am honored to be the lead Democratic sponsor of the cord blood bill.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Florida (Mr. WELDON), a doctor, and one of our more thoughtful Members on this subject and somebody who has given a lot of time to it.

Mr. WELDON of Florida. Mr. Speaker, I commend the chairman of the Committee on Energy and Commerce and his staff, as well as the gentleman from New Jersey (Mr. SMITH), for their diligent work on bringing this very, very good bill to the floor of the House.

What we are going to be voting for here will help create a banking system so that if a patient comes in to see me with a particular illness that is amenable to treatment with stem cells, I can enter their genetic information in a computer, find a match of cord blood that would be kept in a freezer, and actually treat the patient. It is really exciting, I have to say. I never thought I would live to see the day where we would be curing sickle cell anemia. And for those of my colleagues who do not know about sickle cell anemia, sickle cell is a terrible disease. You get these young people, kids, coming in your office with these horrible, painful crises where their bones are aching and you end up having to give them narcotics and transfuse them. It stunts their growth, horrible condition. We now have 10, 10 kids that have been cured of sickle cell anemia.

Just yesterday I was flying up here, and as I often do, I grabbed some medical journals to read on the plane. I was reading the May 19 issue of the New England Journal of Medicine and, lo and behold, another research article, this one on transplantation of umbilical cord blood in babies with Infantile Krabbe's disease, a rare disease, a terrible disease, the babies die; and this cord blood study shows if you catch it early, you can actually cure these kids.

I know there have been a number of Members coming to the floor talking about the embryonic bill that we are going to take up later; the embryonic stem cells have never been shown to be successfully useful in a human model. They do not even have one case. We have thousands of people who have been treated with adult stem cells and these cord blood treatments.

I just want to correct the gentleman from Alabama. He has implied some of us are against stem cell research. That is not the case at all here. We are just for ethical stem cell research.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the ranking Member for yielding me this time.

Let me thank the sponsors of this legislation, the gentleman from New Jersey (Mr. SMITH), the gentleman from Texas (Mr. BARTON), the gentleman from Alabama (Mr. DAVIS), and, of course, the gentlewoman from Colorado (Ms. DEGETTE) and the gentleman from Delaware (Mr. CASTLE) for the second bill, the bills being H.R. 810 and H.R. 2520.

Let me just say that separating these two legislative initiatives would be

like separating the Flag from the Pledge of Allegiance. It is appropriate to have a marriage today of two very vital and important legislative initiatives, one dealing with adult stem cell research, which is vital and done along ethical lines and will help many in our community that have a number of significant diseases; in particular, Alzheimer's and sickle cell anemia. Then, of course, the importance of stem cell lines and expanding it under Federal funding is something that we cannot imagine.

Let me tell my colleagues about an individual that I love and admire in my community, Reverend M.L. Jackson, exciting, exuberant, a leader in our community. His family just said that with all of his leadership and heading up ministerial alliances, he has Alzheimer's. I go home this weekend to meet with Reverend Jackson and to recount his life with him as he now sees it. But would it not be wonderful for a vibrant and outstanding leader of our community to have an expanded opportunity, as Nancy Reagan argued for, for President Reagan.

Unless Federal funding for stem cell research is expanded, the United States stands in real danger of falling behind other countries in this promising area of research. I would mention that the National Academy of Sciences recently issued a set of guidelines to ensure that human embryonic stem cell research is conducted in a safe and ethical manner.

This legislation, the Castle-DeGette legislation, H.R. 810, and, of course, the fantastic and forward-thinking legislation, H.R. 2520, sponsored by the gentleman from Texas (Mr. BARTON), the gentleman from New Jersey (Mr. SMITH), and the gentleman from Alabama (Mr. DAVIS), represents a coming together of our family. It certainly deserves a good marriage. Just as we cannot separate the Pledge and the Flag, let us unite today and vote unanimously on these two outstanding initiatives to support American stem cell research, and to save lives.

Mr. Chairman, I rise this morning in support of the "Stem Cell Therapeutic and Research Act of 2005." This measure, sponsored by CHRISTOPHER H. SMITH, JOE BARTON, and ARTUR DAVIS would promote research on a type of stem cell, known as an adult stem cell, taken from umbilical cord blood. In addition, the bill creates a new federal program to collect and store umbilical-cord-blood stem cells, and expands the current bone-marrow registry program.

While I have no objections to the bill, it is important that no one view H.R. 2520 as a substitute for H.R. 810, the "Stem Cell Research Enhancement Act." These are entirely different bills, but both deserve passage.

Recent discoveries have convinced scientists that stem cells might eventually become the key to treating diseases such as Parkinson's, diabetes, and heart disease. Researchers hope to be able to study stem cells to better understand how diseases develop and eventually use them to generate tissues that could replace damaged or diseased tissues and organs in patients.

Adult stem cells are unspecialized cells found in specialized tissue such as bone marrow or skeletal tissue. Initially, scientists viewed their medical applications as limited in what they can become to the cell types from which they were extracted. Recent evidence has suggested that adult stem cells could provide more flexibility than previously thought, according to the National Institutes of Health.

This legislation would create a new federal program to collect and store umbilical-cord-blood stem cells, and reauthorizes and expands the current bone marrow registry program. I am supportive of this bill because it would be of great benefit to African Americans. This bill has specific language that would diversify the Bone Marrow Banks of this nation. This would be of extreme importance to many African Americans suffering from Sickle Cell Anemia.

As you can see, these are complicated issues, but I think we are headed in the right direction. This bill would help our doctors and scientists discover new treatments and cures for otherwise debilitating and incurable diseases and ailments. For this I must support it. However, I cannot support this bill without clarifying that it should not be viewed as an alternative to H.R. 810, rather as a complementary force.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise in support of H.R. 2520, which I really view as a noncontroversial, bipartisan piece of legislation that we should all be able to agree on. I think one speaker a moment ago talked about science and our obligation to promote science. I would agree with him, but with this caveat: science tells us what we can do; science does not tell us what we should do. That is an ethical dimension, and we are called upon oftentimes to decide what the ethical thing to do is.

Here we have a piece of legislation dealing with an emerging area of science, but one that has already proven itself to be effective in human application and one that also shows itself to be easily obtained, that is, we either throw away umbilical cords, throw away the umbilical cord and the placenta at the time of birth, or we save the blood that can be captured at that time to make it available such that the stem cells can be taken from that and utilized in this therapeutic fashion. This bill would also allow us to do research with these stem cells.

There is a tremendous frontier out there. There is a tremendous frontier that shows tremendous opportunity for success. I do not want to overhype it. I do not know far it will go, but certainly it has not gotten the attention that needs to be given it. When we talk about stem cells, we can talk about how we obtain the stem cells. We can do it in several ways. And there is an ethical dimension, an ethical dilemma that exists with respect to the second bill that will be up today. There is no such dilemma that exists with respect to this bill.

We can obtain this in very easy ways, voluntarily, asking mothers at the time their children are born to donate these units such that others might be helped. We have been laggard in our approach to this particular area of science. Again, I say, where we have no ethical question, where we have strong support from the scientific community, we should do no less than to support this bill strongly.

Mr. BROWN of Ohio. Mr. Speaker, I yield 3 minutes to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

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

Mr. Speaker, I rise in strong support of H.R. 2520, the Stem Cell Therapeutic and Research Act of 2005. The gentleman from Texas (Chairman BARTON), the gentleman from Michigan (Ranking Member DINGELL), the gentleman from New Jersey (Mr. SMITH), and the gentleman from Alabama (Mr. DAVIS) are to be applauded for their leadership and the bipartisan way in which they worked to craft this bill and bring it to the floor today.

I have come to this floor on numerous occasions to remind my colleagues about the health care crisis taking place in minority communities. I am proud to say that while this bill is important to saving the lives of all Americans, it also has the potential to eliminate the disparity in pain management and treatment of chronic diseases, and inherited ones, like sickle cell anemia in minorities.

In September of last year, I hosted one of the first briefings on Capitol Hill about the importance of cord blood. As discussed then, with additional umbilical cord blood units added to the registry, more Americans, and minorities in particular, who would otherwise not be able to locate a suitably matched, adult transplant donor, will be able to find successful treatment and, thus, hope. With the addition of a possible 150,000 more cord blood units, we will be able to potentially match up to 95 percent of Americans.

Earlier this month, the Institute of Medicine recommended that cord blood donors be provided with clear information about their options, including a balanced perspective on the different options of banking. The bill directs the Secretary to guarantee that education.

But, Mr. Speaker, we need not only cord blood, but adult and embryonic stem cells as well to provide the full complement of this lifesaving therapy. As this chart shows, unlike human embryonic stem cells, adult stem cells and stem cells from umbilical cord blood cannot continually reproduce themselves and are unable to form diverse, nonblood cell types. The cord blood stem cells are an important tool for medicine, as I have said before, especially in the treatment of blood diseases; but they are not, they are not a

substitute for embryonic stem cells. We need both.

So I strongly urge support for H.R. 810, the Stem Cell Enhancement bill of 2005, and I urge the President to sign both bills into law. That bill was introduced by the gentlewoman from Colorado (Ms. DEGETTE) and the gentleman from Delaware (Mr. CASTLE), and I commend them for their work as well.

Mr. Speaker, H.R. 810 would allow important research on embryonic stem cells to continue. Many of the initial lines have been contaminated and cannot be used. Further, the bill includes strong safeguards to protect life and against abuse.

I urge my colleagues to support these bills and to join me in urging the President to sign both bills. Through the enactment of H.R. 2520 and H.R. 810, we can provide this lifesaving therapy to many who otherwise may not have any other option to improve or extend their lives. They and their families are depending on us.

□ 1300

Mr. BARTON of Texas. Mr. Speaker, I yield 15 seconds to the gentleman from New Jersey (Mr. SMITH), very briefly.

Mr. SMITH of New Jersey. Mr. Speaker, I just want to make the point that some misinformation perhaps inadvertently is being spread on this floor, that these stem cells that are derived from cord blood only have a blood application. That is unmitigated nonsense. It is not true. And I pointed out in my opening comments that in the Celgene Cellular Therapeutics first reported back in 2001 that placental stem cells turned into nerve, blood, cartilage, skin and muscle cells, and that since that time other studies have confirmed cord blood's pluripotent capability. Surely there needs to be further research.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to a member of the committee, the distinguished gentleman from Pennsylvania (Mr. MURPHY).

Mr. MURPHY. Mr. Speaker, I thank the chairman for yielding his time.

You know, you cannot divorce medical research from medical ethics. And as such, it is critically important we are dealing here with medical facts.

First of all, although many Members and the public and the media seem to get this wrong, the truth is, I believe we will have probably close to unanimous support for using Federal dollars for stem cell research, but it is important to understand the different types:

Adult stem cell, which has much promise to harvest and grow these, although it has some risk for infections and other problems. Some 30,000 people have been treated.

Umbilical cord, which is pluripotent. It can be used in multiple ways. Over 6,000 cases have been treated.

Frozen embryo research, zero. And cloning has its own problems with that as well.

In the area of umbilical cord blood, one of the cases, because in my practice, I oftentimes dealt with children with developmental disabilities. One case of the New England Journal of Medicine reports 90 percent success rate with Hurley's syndrome, a developmental disorder, autosomal dominant one, which ends up in severe developmental delays and death. Those are incredible results, incredible results that come from looking at the facts of what cord blood stem cell research is about.

Let us not distort this discussion and confuse cord blood and embryonic, because when you are using cord blood, umbilical blood, you are not killing anyone. You are not limiting or destroying a life. You are taking something that has been discarded in the normal process of pregnancy and birth.

Let us help support the continuation of this vital research which does not just show promise, but shows demonstrable results. And it does not involve the ending of any life in the process. This is where we should continue our research. This is where we must continue our work. This is where we must take our stand today, to continue to support medical research that is important. Look also at medical ethics.

Mr. BROWN of Ohio. Mr. Speaker, could the Chair inform both sides how much time is remaining?

The SPEAKER pro tempore (Mr. FLAKE). The gentleman from Ohio (Mr. BROWN) has 13 minutes. The gentleman from Texas (Mr. BARTON) has 11 minutes.

Mr. BROWN of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. ENGEL), a member of the Health Subcommittee.

Mr. ENGEL. Mr. Speaker, I thank the gentleman from Ohio (Mr. BROWN) for yielding time to me. And I rise in support of H.R. 2520, the Stem Cell Therapeutic and Research Act of 2005. This act, combined with H.R. 810, the Stem Cell Research Enhancement Act of 2005, will go a long way towards helping millions of Americans who suffer from debilitating health conditions.

I wholeheartedly support umbilical stem cell research, but also support embryonic stem cell research. As anyone who suffers from diabetes, Parkinson's disease, ALS, or a host of other health problems knows, one possible treatment is the use of stem cells to help regrow the tissues affected by their ailments.

Scientists have stated that embryonic stem cells provide the best opportunity for devising unique treatments of these serious diseases since, unlike adult stem cells, they may be induced to develop into any type of cell. Adult stem cells are also problematic, as they are difficult to identify, purify and grow, and simply may not exist for certain diseased tissues that need to be replaced.

Please understand that I do not discount the promise of adult stem cell research or cord blood research, but I agree with the National Institutes of Health that we must carefully study all types of adult and embryonic stem cells. In their words, ''Given the enormous promise of stem cell therapies for so many devastating diseases, NIH believes that it is important to simultaneously pursue all lines of research.'' Our loved ones deserve science's best hope for the future.

Now, I want to say something. This is not about cloning. I oppose cloning of human beings. This is about the use of embryonic stem cells which would have been discarded anyway.

I want to repeat that. This is about the use of embryonic stem cells which would have been discarded anyway. It has been estimated that there are currently 400,000 frozen IVF embryos, which would be destroyed if they are not donated for research.

I would never condone the donation of embryos to science without the informed, written consent of donors and strict regulations prohibiting financial remuneration for potential donors. Our Nation's scientific research must adhere to the highest ethical standards. But it is important that we do embryonic stem cell research. We are falling behind other countries, and this is not what ought to be happening.

President Bush has limited Federal funding of stem cell research to only those stem cell lines that existed prior to August of 2001. But unfortunately, only 22 cell lines are available for study, which prevents scientists from having access to important genetic cell diversity. Simply put, if it continues, that would not be ethical. Please support both bills.

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I rise today in strong support of the gentleman from New Jersey (Mr. SMITH's) Stem Cell Therapeutics and Research Act of 2005, and commend the gentleman for his courageous and principled stand for the sanctity of life.

As a physician Member, I know that significant successes are being reported from the use of umbilical cord stem cells in the treatment of 67 diseases, including sickle cell anemia, leukemia, osteoporosis and lymphoma. There is great promise in this research. Umbilical cord stem cells, unlike embryonic stem cells can be matched to a recipient by blood type, gender, ethnicity, that results in fewer tissue rejections.

Compare this to embryonic stem cells. Aside from the fact that harvesting embryonic stem cells results in the destruction of innocent life, embryonic stem cells are gathered without knowledge of blood cell type, without assurance that they are free from infection, and without screening for genetic defects. These embryonic stem cells may be mismatched, carry infection, or have genetic defects with cancer-producing potential.

There is a better way, Mr. Speaker. It is H.R. 2520, which enhances Federal

funding for expanding the already successful use of umbilical cord stem cells. When you consider the ethics and the science and the debate, it is clear that cord blood stem cells are the right choice for our Federal funding and scientific support.

Mr. BROWN of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. GENE GREEN), an outstanding member of the Health Subcommittee.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today to support not only H.R. 2520, but also H.R. 810, the Castle/DeGette legislation to expand Federal research for embryonic stem cells.

Undoubtedly, each of us on this floor today has a friend, family member or neighbor who could benefit from increased embryonic stem cell research, whether they suffer from spinal cord injury, Alzheimer's, MS or juvenile diabetes. As we consider both the Castle/DeGette stem cell bill and the Smith legislation on umbilical cord stem cells, it is important we differentiate between the effects of these two bills.

I support both of them. But one is not a substitute for the other. The Castle/DeGette bill will expand research on embryonic stem cells, which would have the ability to reproduce indefinitely and to evolve into any cell type in the body.

It is this element of embryonic cell research that offers the most hope for finding cures to the diverse set of diseases that plague too many Americans. We cannot take away that hope by shutting the door on Federal research on embryonic stem cells. The President's policy shut that door, and we have lost 4 years of robust research that will be needed to cure the most complex diseases.

Opponents of this bill will say that the embryonic cell research is unproven, but we will never know the true promise of embryonic stem cells if we hold back Federal dollars for the research. If embryonic stem cell research gets us even one step closer to curing Parkinson's, spinal cord injury and Alzheimer's, it is worth every penny. Just ask Michael J. Fox, Dana Reeves or Nancy Reagan.

These tremendous people, as well as countless more in each of our communities, know what it is like to live every day waiting for your cure. Slamming the door on stem cell research slams the door in their faces.

We talk about using our values to pass legislation to help people. Both these bills are important to helping people with such terrible illnesses.

This last Saturday I helped my wife's mom move into a nursing home. She was diagnosed with Alzheimer's in the mid-1990s. We have watched the progression of that terrible disease. Nothing can help my mother-in-law. But by voting today for both these bills, we can help maybe the next generation, instead of sticking our heads in the sand.

I urge my colleagues to do the right thing for the millions of Americans suffering from incurable diseases. Pass both the Castle/DeGette bill and the Smith legislation and keep the hope for embryonic cell and cord blood research alive.

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to the distinguished Majority Leader of the great State of Texas (Mr. DELAY), Fort Bend County, Sugarland.

Mr. DELAY. Mr. Speaker, the issue of human cloning and embryonic stem cell research cuts to the very core of politics. And today the House will hear passionate arguments, essentially about the nature and value of human life.

Now, that debate will be, among other things, controversial, because the proponents of embryo destruction in the name of progress believe it is not the embryo destruction its opponents oppose, but rather progress itself. But it is not so, and the bill before us now, the Stem Cell Therapeutic and Research Act proves it.

This bill, which provides for Federal funding of research using adult stem cells which have, unlike embryonic stem cells, proven medical benefits in treating more than 60 separate diseases, will pass with the overwhelming support of both sides of this debate.

Now, this bill, sponsored by the gentleman from New Jersey (Mr. SMITH) will, for the first time, provide for taxpayer-funded research on well-developed stem cells from umbilical cords, expand Federal funding in bone marrow stem cell research, and provide for the development of a national stem cell therapy database for medical practitioners and researchers.

This is what progress is, Mr. Speaker, concrete, definable and based on fact, rather than speculation or a false sense of hope.

The best one can say about embryonic stem cell research is that it is a scientific exploration into the potential benefits of killing human beings. Proponents of medical research on destroyed human embryos would justify admittedly unfortunate means with the potential ends of medical breakthroughs down the line.

But the deliberate destruction of unique, living self-integrated human persons is not some incidental tangent of embryonic stem cell research. It is the essence of the experiment. Kill some in hopes of saving others.

The choice, however well intentioned, is predicated upon a utilitarian view of human life that this bill shows our government need not take. The Smith bill will fund the only kind of stem cell research that has ever proven medically beneficial, while helping to develop new and exciting avenues of inquiry, all without harming a single human embryo.

This bill is progress, Mr. Speaker, and represents a perfect contrast to speculative and harmful methods of embryonic stem cell research. This is the right stem cell bill, Mr. Speaker.

Progress, even progress that pushes the envelope of medical knowledge, need not be controversial. It need not divide us or force people of goodwill to devalue human life. Progress, in fact, is the opposite of such a choice. And the Smith bill unites the public and private sectors, both doctors and patients, and recognizes the inherent dignity and value of every human person.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from Michigan (Ms. KILPATRICK).

Ms. KILPATRICK of Michigan. Mr. Speaker, I am a strong supporter of stem cell research. It saves lives, it prolongs life, and it helps unhealthy people remain existent on this earth.

I am a diabetic myself, and for the last decade I have been working with stem cell research in my own district. The Karmanos Cancer Institute, world renowned in our community and in Michigan, and part of the former Detroit Medical Center, is a leader in research.

This bill deals with cord research, umbilical cord research, not controversial. Medical professionals and others support umbilical cord research.

□ 1315

Umbilical cord research is the cord that is separated after a woman delivers her child. In many instances, 90 percent of the time, those cords are displaced and thrown away. What this bill will help us do is first of all gather those cords across America to save lives, to renew organs, and to continue life as we know it.

So I rise in support of H.R. 2520 as another means for us to prolong life, to give life, from stem cords, umbilical cords of women that are heretofore thrown out.

In our community, we are educating women and asking for their permission that medical research is able to use the cords, the umbilical cords of the fetus. It is new, it is exciting, and it is happening all over the world. Our country is first in medical science; and this act that we are taking today will continue research and development, healthier lives and longer lives.

Support H.R. 2520 and let us bring America up so that we can save lives, prolong lives, and build a real strong America.

Mr. Speaker, I rise to support the "Stem Cell Therapeutic and Research Act".

This bill creates a new federal program to collect and store umbilical cord blood stem cells and reauthorize and expands the current bone marrow registry program.

Umbilical cord blood units, typically discarded at hospitals, can be an unlimited source of stem cells with representation of all races and ethnicities.

According to the National Marrow Donor Program (NMDP), African-Americans have only a 30 percent chance of finding a stem cell match within their own families and often require healthy stem cells from an unrelated individual, typically another African American. Of the NMDP's registry of donors, only 8 percent are from African-Americans.

I support the use of embryonic stem cells, adult stem cells and cord blood research to find cures. I urge all of my colleagues to support this bill and H.R. 810 "Stem Cell Research Enhancement Act" introduced by Representatives MIKE CASTLE and DIANA DEGETTE that would lift Bush's 2001 ban on the use of federal dollars for research using any mew embryonic stem cell lines.

All avenues of stem cell research need to be explored. The current embryonic stem cell policy must be changed.

We can no longer tie the hands of our scientists and researchers when millions of lives are at stake.

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Mr. Speaker, I thank the chairman for yielding me time. I want to congratulate the chairman and the gentleman from New Jersey (Mr. SMITH) and the gentleman from Alabama (Mr. DAVIS) for their leadership.

What we are doing with this legislation is that we are celebrating life and we are celebrating science. Our debate today and this bill, this bill is so very important because it is not often that politicians get it right when dealing with health care or science. I know. As a physician I have seen government inject itself in places it ought not go and spend countless dollars on fanciful and distorted claims. However, H.R. 2520 will save lives and improve the quality of life for millions. And I know this because it will increase the use of a science that has already been proven.

As a new Member of Congress, I am proud to stand before you and lend my support to a positive and productive piece of legislation that will bring sunlight to those who have experienced too many clouds, and it will do so in an unquestionable and ethical manner.

I commend the gentleman from Texas (Mr. BARTON), the gentleman from New Jersey (Mr. SMITH), and the gentleman from Alabama (Mr. DAVIS) for their persistence, their cooperation, and their leadership.

Mr. BROWN of Ohio. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, I rise today to lend my voice to the stem cell research debate. As a co-sponsor of H.R. 810, I hope we can expand our scope and benefit of existing stem cell lines. H.R. 810 represents another step forward in our battle against diseases and illnesses which we have spent billions of dollars trying to research, treat, and cure.

As the premier medical research Nation, we must allow our researchers and doctors to remain at the top of their fields of research both internationally and nationally. We must support our research institutions as they embark on the ethical, expert and very, very necessary trials.

Federal research restricts federal funding of stem cell research to the 78 stem cell lines that existed prior to Aug. 9, 2001. Mr. Speaker, H.R. 810 does not usher us into uncharted waters: we are already engaged in both the federal funding and the federal oversight of this research. If we see the benefit to permitting research on 78, then the argument is not embryonic research—but rather numbers.

I come from a district where we have perhaps the leading medical research institutions. In my district Case Western Reserve University, the Cleveland Clinic, and University Hospital have embarked on a monumental and groundbreaking project to establish the National Center for Regenerative Medicine. Within the walls of these three institutions lie perhaps some of the most advanced and prolific members of the scientific research community on regenerative medicine.

While this research is basically focused on adult stem cell and umbilical cord research, we must continue to move forward with research in a responsible, compassionate, and humane way. We must support the efforts of the National Institutes of Health as we move forward.

I support the movement towards the treatment, research, and cure of diseases and illnesses which the use of stem cells can alleviate.

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. PENCE), the distinguished leader of the Republican Study Committee.

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

Mr. PENCE. Mr. Speaker, I thank the gentleman for yielding me time. I commend the gentleman from New Jersey (Mr. SMITH) for his visionary legislation, the Stem Cell Research Act.

There is such enormous promise, Mr. Speaker, in adult stem cell research, the ethical research that has been under way for decades and has produced to date treatments to nearly 67 diseases including sickle cell, leukemia, osteoporosis, just to name a few.

Even last October, a Korean woman who had been paralyzed for 19 years took a few steps for reporters in Seoul with the aid of a walker and ethical adult cord blood stem cells injected into her spine.

I just spoke today to a young man in my congressional district who was injured last Saturday night and now faces a lifetime in a wheelchair. I can tell you, having spoken to his parents, I would do anything to help that brave young man out of that chair. I would do anything except fund the destruction of human embryos for research.

President Kennedy said: "To lead is to choose" and today Congress will choose and should choose to promote ethical healing by adopting the Stem Cell Research Act, to prevent the erosion of the principle that all human life, even embryonic human life, is sacred.

Say "yes" to ethical adult stem cell research and "no" to funding the destruction of human embryos for scientific advancement.

Mr. BROWN of Ohio. Mr. Speaker, how many speakers does the gentleman from Texas (Mr. BARTON) have remaining and, Mr. Speaker, who has the right to close?

The SPEAKER pro tempore (Mr. FLAKE). The gentleman from Texas (Mr. BARTON) has the right to close.

Mr. BARTON of Texas. Mr. Speaker, I have three willing speakers now and more on the way.

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

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. PITTS), a member of the committee.

Mr. PITTS. Mr. Speaker, I rise in favor of adult stem cell research, characterized by the gentleman from New Jersey's (Mr. SMITH) bill, and oppose H.R. 810, the Castle legislation, that would propose Federal dollars for destroying human embryos for embryonic stem cell research.

I can illustrate the difference with these two binders. In this one binder there are 67 successful treatments using adult stem cells, and stem cells from cord blood, adult stem cells for treatment of diseases. They are all categorized here by diseases, successful treatments. From embryonic stem cell research: zero.

The simple fact of the matter is with the use of embryonic stem cells the only thing that you have today are dead embryos and dead laboratory rats with tumors. They have not worked. They do not work. With adult stem cells you have live patients with treatments. This is the ethical way to go. This is what we should support.

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

Mr. Speaker, we wonder, as most medical scientists wonder, why not both kinds of research. We in no way want to restrict it to just one or the other like my friends on the other side of the aisle.

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

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Delaware (Mr. CASTLE), the distinguished Congressman and former Governor of the first State of our Union.

Mr. CASTLE. Mr. Speaker, I rise today in support of H.R. 2520, which establishes a national cord blood stem cell inventory, a cord blood system, and to reauthorize the National Bone Marrow Registry.

This is an important piece of legislation because it addresses a vital need to establish a publicly coordinated national umbilical cord blood bank similar to the National Bone Marrow Registry. However, it is important to note that umbilical cord blood cells are a type of adult stem cells that have been used only to treat blood disorders like leukemia and lymphoma.

Scientists do not believe that these cord blood stem cells will provide answers to diseases like diabetes, Parkinson's, spinal cord injuries, or other nonblood-related disorders.

According to Dr. David Shaywitz, an endocrinologist and stem cell researcher at Harvard, it seems extremely unlikely that adult blood cells or blood cells from the umbilical cord will be therapeutically useful as a source of anything else but blood. That is why we must support all forms of stem cell research, including embryonic stem cell research, so researchers have the greatest chance of discovering treatments and cures. That is why I am supporting this legislation as well as H.R. 810, the Stem Cell Research Enhancement Act, to expand the current Federal embryonic stem cell policy.

I urge everyone to support this legislation and support H.R. 810.

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

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Mr. Speaker, I rise in support of the legislation to help us have continued success in the funding for research for uses for adult stem cells.

Adult stem cells really encompass a number of different kinds. People have talked today about cord blood. They have talked about the bone marrow stem cells. A number of them have already been used clinically and with much success.

I believe it is this Congress's duty to help support that, because certainly we will have many people who have benefited already and additional people in the future who can benefit from this kind of research. In fact, the University of Pittsburgh in my hometown just announced about a week or so ago that they are doing clinical trials regarding the use of bone marrow stem cells to help reverse chronic heart failure.

I met a gentleman actually who was involved in the research, and they talked about trials that have already been done in South America that have been successful. These are all with adult stem cells. It is important for Congress to fund research, but it is especially important for this Congress to fund responsible research and that is the research supported on this bill on adult stem cells.

Mr. BROWN of Ohio. Mr. Speaker, how much time remains?

The SPEAKER pro tempore. The gentleman from Ohio (Mr. BROWN) has 4-½ minutes. The gentleman from Texas (Mr. BARTON) has 4 minutes.

Mr. BROWN of Ohio. Mr. Speaker, I have two remaining speakers.

Mr. BARTON of Texas. Mr. Speaker, I have one speaker remaining, and I will close.

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

Mr. WELDON of Florida. Mr. Speaker, I rise again to set the record straight.

There have been some people who have implied there is limited capacity for these cord blood stems to be used successfully. They have been shown to be pluripotent. They can become all different cell types, and they have shown a tremendous amount of plasticity.

This poster is of a young lady who was paralyzed for years and had an adult stem cell transplant. She is able to stand up.

But I just want to clarify on the cord blood, it has been used to treat leukemia, adrenoleukodystrophy, Burkitt's lymphoma, chronic granulomatous diseases, congenital neutropenia, DiGeorge's syndrome, Fanconi's anemia, and these are just some of them, Gaucher's disease. Hodgkin's disease, cord blood has been used successfully to treat Hodgkin's disease; idiopathic thrombocytopenic purpura, which is a really bad disease. I used to see some of those. Krabbe's disease I mentioned earlier, that was just in the New England Journal this month. Lymphoma; lymphoproliferative syndrome; myelofibrosis; neuroblastoma, which is a form of brain tumor which has been successfully treated with cord blood. Osteopetrosis has been successfully treated. Reticular dysgenesis, severe aplastic anemia.

The list goes on and on. There are 65 different medical conditions that have been successfully treated with cord blood.

People have mentioned diabetes. Embryonic stem cells have not been successfully used to treat diabetes either, but actually in animal models adult stem cells have been used successfully to treat diabetes. I think most of the hope and success is in this cord blood. That is why this bill is very, very important.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself 1-¼ minutes.

Mr. Speaker, I would like to share the words from the President who seems to have sent a different message than my friends on the other side of the aisle.

President Bush said, ''Most scientists believe that research on embryonic stem cells offers the most promise because these cells have the potential to develop in all of the tissues in the body.''

I hear my friends on the other side of the aisle argue that we really only need cord blood stem cell research, that that will lead us to all that we need.

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And the President said about that, that ''No adult stem cell has been shown in culture to be pluripotent.'' And he said, ''Embryonic stem cells have the potential to develop into all or nearly all of the tissues in the body.''

I then hear my friends on the other side of the aisle talk about research, that this is going to lead to so much more research. Yet at the same time we have seen no increase, flat-lined spending, budgeting on the National Institutes of Health, something that many of us, the gentlewoman from Colorado (Ms. DEGETTE) and many of the rest of us, have thought we should increase spending on, medical research all across the board in all kinds of medical research.

Yes, in order to make room for the President's tax cuts that have gone overwhelmingly to the wealthiest in our country, we have simply cut medical research and not done what we should as a Nation do overall in medical research.

So when I hear my friends talk on this, I do not quite get how this will expand medical research while closing out one whole avenue of medical research and, at the same time, cutting spending on what we should be doing to move our country ahead.

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to the distinguished gentleman from the Keystone State of Pennsylvania (Mr. WELDON).

Mr. WELDON of Pennsylvania. Mr. Speaker, this is a difficult issue for me. I am a diabetic. I have diabetes in my family. I am cochairman of the Congressional Diabetes Caucus. My wife is a full-time diabetes educator. She has spent her entire time as a health care professional educating and working with diabetics.

The gentleman from Delaware (Mr. CASTLE) and the gentleman from Massachusetts (Mr. LANGEVIN) are very good friends of mine. I have studied all their information. I have tried to be as open about this as I possibly can be. But I can say, Mr. Speaker, that in the end it comes down to not eliminating any type of research, because that is allowable in this country; it is whether or not we should use Federal funds. California is using some $3 billion right now on what this bill is attempting to deal with.

In the end, Mr. Speaker, this is a very personal decision. It is one that I agonized over. I am not a medical professional. I consulted with all four of my friends who are medical doctors in this Chamber. They have studied medicine, they understand medical research, they understand bioethics far better than I ever will, and I come down on their side. I come down on the side of life.

I will oppose the bill that is being offered by my friend, the gentleman from Delaware (Mr. CASTLE) and my friend, the gentlewoman from Colorado (Ms. DEGETTE) and I will support the alternative that is being offered by this conference.

Mr. BROWN of Ohio. Mr. Speaker, I yield the remainder of my time to the gentlewoman from Colorado (Ms. DEGETTE), the sponsor of this bill.

The SPEAKER pro tempore (Mr. FORBES). The gentleman from Ohio has 3¼ minutes remaining.

Ms. DEGETTE. Mr. Speaker, I do not know why this debate has to be either/or, either we are going to cure sickle cell anemia or we have the potential to cure Type 1 diabetes. Every single American who suffers from a terrible disease should have the right to a cure.

Now, this bill that we are debating right now, it is a fine bill. I support

this bill. I think cord blood research is important. Like adult stem cells, umbilical cord stem cells have proven to be a source of hematopoietic stem cells. Those are the ones that are the blood-forming stem cells that have been used for about a decade to treat blood diseases like leukemia and lymphoma. That is great.

But it is not either that or H.R. 810, because unlike human embryonic stem cells, stem cells from umbilical cord blood cannot continually reproduce themselves. Instead of proliferating, they quickly evolve into specialized cells. That is why they have not proven to be useful in some of the early studies.

Now, the opponents of H.R. 810 say, well, embryonic stem cells have not been used to cure any disease. That is because we are in the very promising early stages of that research. And the adult stem cells have been used in their narrow milieu to cure diseases and to help with diseases that are blood specific.

Mr. Speaker, I am here to say that there is no, no scientific evidence today that will show that the cord blood or the adult stem cells will cure Alzheimer's, Parkinson's, Type 1 diabetes, or the multitude of other diseases that are not blood based.

Now, some of the opponents of H.R. 810 say, well, scientific studies have shown adult stem cells to be pluripotent. Number one, their argument, their argument is that embryonic stem cells have not shown clinical application. Guess what? Neither have adult stem cells been shown clinically to be pluripotent. Furthermore, the studies where there were some indications of that were not peer reviewed and, frankly, are rejected by the scientific community.

Here is a chart. This chart shows exactly what embryonic and adult stem cells are good for and, frankly, they are good for different things. So let us not muddle the science. If people do not want to do embryonic stem cell research, they can look in the eye of our colleague, the gentleman from Massachusetts (Mr. LANGEVIN) and others and say to them, we do not want to do the research that could cure your disease, and I challenge them to do that.

In conclusion, Curt Civin, M.D., who is a doctor at Johns Hopkins University School of Medicine and a researcher, says ''As a physician-scientist who has done research involving umbilical cord stem cells for over 20 years, I am frequently surprised by the thought from nonscientists that core blood stem cells may provide an alternative to embryonic stem cells for research. This is simply wrong.''

And it is wrong to say either/or. That is why we should vote ''yes'' on this bill and H.R. 810.

Mr. BARTON of Texas. Mr. Speaker, how much time remains?

The SPEAKER pro tempore. The gentleman has 1 minute remaining.

Mr. BARTON of Texas. Mr. Speaker, I yield myself the balance of my time, and I want to thank the majority leader and the Speaker for bringing these two bills to the floor today.

The first vote we will have is on the cord blood and bone marrow bill, H.R. 2520. This bill, by itself, is an extremely important advance for those of us that believe you can use medical research ethically to help find cures for existing disease and enhance human life both now and in the future.

I am, obviously, as one of the original sponsors of the bill, going to vote for it and encourage all the Members on both sides of the aisle to vote for its. It is a good piece of legislation and, by itself, is a major advancement in the state of the art that we have today.

The next debate that we will have is on the Castle-DeGette bill which is another form of stem cell research, embryonic stem cell. That issue is much more controversial, but on its own merit that bill itself deserves a serious debate. And while it is not yet time to debate that bill, at that time I will announce that I will vote for that bill also.

So I hope we can do first things first. Let us pass in a strong bipartisan fashion the Smith-Barton-Young adult cord blood bone marrow bill, and then go on to the next issue.

Mr. CLAY. Mr. Speaker, I rise today to voice my support for the Stem Cell Therapeutics and Research Act of 2005. As many of my colleagues have discussed, this bill provides federal support to help cord blood banks collect and maintain new cord blood units. It's important to acknowledge that this bill also reaffirms Congress's commitment to the National Bone Marrow Donor Registry.

Established in 1986, the National Registry has facilitated more than 21,000 lifesaving transplants involving cord blood, peripheral blood, and bone marrow. Although we are discussing cord blood for the first time today, the National Marrow Donor Program (NMDP), which has operated the National Registry since its inception, has already incorporated cord blood into the registry to help patients, especially minority patients whose genetic diversity often makes it difficult to find a suitably matched adult volunteer donor. Through the NMDP today, individuals in need of a cord blood transplant already have access to the largest listing of cord blood units in the United States—more than 42,000 units. In addition, the NMDP lists more than 9 million adult volunteer donors. Today, we celebrate the National Registry's success by acknowledging its expanded role in the research and development of new sources of hematopoietic cells for transplant by renaming it the CW Bill Young Cell Therapies Program.

I am particularly proud of the work of the NMDP, especially its strong support for cord blood and because of its partnership with the St. Louis Cord Blood Bank. The St. Louis Cord Blood Bank is the cornerstone of an active clinical stem cell transplantation and research program at Cardinal Glennon Children's Hospital and St. Louis University.

Along with the St. Louis Cord Blood Bank, the NMDP partners with 14 of the 20 U.S. public cord blood banks. Another 3 are in the process of becoming partners. Together, the NMDP and these cord blood banks are working to increase the national inventory of cord blood available for transplants and research. Their work helps thousands of Americans with life-threatening diseases, such as sickle cell anemia.

It is essential that the existing integrated program continue to be able to operate as it does today. Physicians and patients must be able to search for and obtain support from a single national registry that includes cord blood, peripheral blood, and bone marrow. Physicians should not have to waste time searching multiple cord blood banks and adult donor registries or having to coordinate the further testing and delivery of units.

Searching is not the only function that must be integrated. Physicians need to be confident that the results of their searches allow them to truly compare cord blood units and adult donor information. Thus, the cord blood community should work with the National Program to establish criteria and standards to ensure consistency of the information that is part of the registry. Finally, it is important that all patients, not just those who receive a bone marrow or peripheral blood stem cell transplants, receive the patient advocacy and educational services that the NMDP provides to all the patients it assists.

The NMDP already provides physicians and their patients with this type of support. This bill is a step in the right direction because it builds upon the existing registry. We must be careful not to waste scarce federal dollars by duplicating what is already working well. Therefore, I urge my colleagues to vote in favor of H.R. 2520, which provides for an integrated National Program.

Mr. YOUNG of Florida. Mr. Speaker, I rise in strong support of H.R. 2520, which combines legislation I introduced and passed in the 108th Congress to reauthorize the National Bone Marrow Registry with legislation by my colleague from New Jersey, Mr. SMITH to authorize a federal investment in building an inventory of 150,000 umbilical cord blood units. This life-saving bill is good for patients, good for transplant doctors, good for researchers and it represents good policy for our Nation.

I would like to take this opportunity to thank many colleagues for bringing this legislation to the floor. Let me thank the Chairman of the Energy and Commerce Committee, Mr. BARTON for providing the leadership to advance this important bill. His commitment to providing sound national policy in this area of stem cell transplantation has produced an excellent legislative design that will benefit thousands of patients immediately upon enactment. I would also like to thank my friend, Mr. SMITH of New Jersey for his leadership in the area of umbilical cord blood—an area of rapidly developing science and opportunity. His legislation from the previous Congress has provided the framework for enhancing our Nation's ability to provide cord blood units to help save lives. His vision on the potential of cord blood has helped make this bill possible today and I thank him for his dedication.

This legislation builds on the investment made by Congress 18 years ago when we established a national bone marrow donor program to save the lives of patients with leukemia and many other blood disorders. Countless dedicated doctors, patients, families, and research scientists have continued to pioneer new approaches to saving lives using these

blood stem cells from bone marrow and now umbilical cord blood cells.

This bill authorizes funding for 5 years to continue federal support for bone marrow, peripheral blood and umbilical cord blood transplantation and research. With this legislation, transplant doctors and patients will have an enhanced, single point of electronic access to the full array of information on possible bone marrow matches, as well as matches with cord blood units from the new national inventory which would be created. In a matter of minutes, physicians can review the options and reserve the best possible sources for their patients. In addition, the new effort will facilitate accreditation of cord blood banks, stimulate research, and collect and share data on the outcomes of all transplants.

Last month, at the request of our Appropriations Committee direction, the Institute of Medicine released its report on cord blood and how the inventory should be built and integrated into the existing national registry. This bill before us has been shaped by the guidance provided through the IOM process and during the past year-and-a-half a consensus has been building for moving forward to combine our activities in bone marrow and cord blood. That consensus has formed the basis for this legislation.

Mr. Speaker, this literally is life saving legislation. Through the efforts of the National Marrow Donor Program—which this Congress initiated in 1987—many lives have already been saved. To date, the Program has facilitated almost 21,000 unrelated transplants involving bone marrow, cord blood or peripheral blood. That means 21,000 individuals—both children and adults who are otherwise suffering from terminal disease—received the gift of life through this national program.

When the program first started, our goal was to build a national registry of 250,000 individuals willing to donate marrow. Mr. Speaker, we found that the human spirit responded to our efforts in ways that we could not imagine. I am proud to say that as of this month, the National Bone Marrow Registry has more than 5.6 million potential bone marrow donors signed up. In addition, the Program has an additional 41,666 units of umbilical cord blood in reserve for transplant through its network of 15 affiliated cord blood banks throughout the country. Total transplants from all sources for last year alone exceeded 2500.

Let me repeat—we have 5.6 million volunteer bone marrow donors signed up in the national program. These are true volunteers in every sense of the word. They have given of their time to take a simple blood test to be listed in the national registry. For more than 20,000 who have been called upon to donate bone marrow, they have undergone a relatively simple surgical procedure to donate their bone marrow to save the life of a man, woman or child with anyone of more than 85 different diseases. Another 41,000 women have donated umbilical cord blood which can be used in the same way as bone marrow, to transplant life giving cells to cure disease.

This legislation will provide the funding to greatly increase the number of cord blood units that can be collected and stored. Nineteen million dollars has already been appropriated for this purpose over the past two years and this legislation will allow that immediate infusion of funds into building up reserves of umbilical cord blood. The scientific reason for this is clear. Thanks to research, cord blood has now become another very important source for obtaining and transplanting the particular cell found in bone marrow and peripheral blood that can restore health to those suffering from so many different diseases. In addition, by building up the cord blood inventory, the overall resource will be much more likely to meet the needs of patients from genetically diverse, ethnic populations. It is estimated that adding 150,000 new cord blood units to the number of existing bone marrow donors will provide potential cell matches for about 95 percent of all Americans.

Mr. Speaker, this national effort is a true modern miracle and this new legislation will reinforce and strengthen the program. Today, our National Bone Marrow Program is affiliated with 156 transplant centers, 82 donor centers, 15 cord blood banks, 102 transplant marrow collection centers and 82 Apheresis centers. Of these, 72 are international facilities.

Having had the great pleasure to meet with hundreds of donors and patients, I can tell you that donating bone marrow or cord blood can be a true life-changing experience. The experience of giving life to another human being is beyond mere words.

Mr. Speaker, there are many people who have been heroes in this effort and need to be recognized for their contributions. The first is a little 10 year old girl who died of leukemia at All Children's Hospital in my home district of St. Petersburg 18 years ago. Brandy Bly might have been saved from leukemia back in 1987 if matched bone marrow or cord blood cells had been available. It was during her treatment that I first learned from doctors how difficult it is to find a compatible, unrelated bone marrow donor. Her death inspired me, and her doctor—Dr. Jerry Barbosa—inspired me to help find a way to build a national bone marrow program. There were other early medical pioneers, like the late Dr. Robert Goode, Dr. John Hansen and Dr. Donnell Thomas—all who helped perfect the science of marrow transplantation and who assisted us in our legislative quest to establish a federal registry. In the early days, Admiral Elmo Zumwalt, Jr. and Dr. Bob Graves helped find a federal home for the effort. And I must recognize Navy Captain Bob Hartzman who first connected us with the Navy Medical Command to give birth to the early program. Dr. Hartzman continues to direct the military program and is an invaluable scientific leader and advisor.

There have been many members of Congress, past and present, who have stood together with me over the years to develop and fund the program that we reauthorize and enhance today. I thank each and every one for your dedication.

We must recognize the staff and members of the board of the National Marrow Donor Program and the Marrow Foundation who have volunteered their time to establish and grow a finely tuned international registry program. And we must recognize the dedicated doctors and medical teams at transplant and donor centers around the nation who use their medical expertise to perform the transplants and save lives. Dr. Joanne Kurtzberg, the head transplant doctor at Duke University's blood bank center, is the epitome of a dedicated, caring and highly knowledgeable physician who works hard to save lives. We must recognize the pioneering cord blood research of Dr. Pablo Rubenstein and Dr. Cladd Stevens at the New York Blood Center, and Dr. Claude Lenfant, the former director of the National Heart, Lung and Blood Institute at NIH who initiated the major COBLT study on cord blood banking and transplantation.

The ultimate true heroes of the national effort are the patients and donors. Every patient who has sought a marrow or cord blood transplant has helped in the overall effort to gain more scientific knowledge on perfecting the transplant process. Every patient helps all those who will follow. And every donor who has rolled up his or her sleeve to sign up for the national bone marrow program, or every family that has decided to donate umbilical cord blood, are heroes for taking part in giving the ultimate gift of life.

Mr. Speaker, in closing let me again thank Chairman BARTON and Mr. SMITH for their leadership in enhancing this great national program. Let me thank every member of this House for their support for the efforts we started 18 years ago on behalf of patients everywhere. With your support, we will provide hope—and a second chance at life—to thousands of patients today and into the future.

Mr. PAUL. Mr. Speaker, the issue of government funding of embryonic stem cell research is one of the most divisive issues facing the country. While I sympathize with those who see embryonic stem cell research as providing a path to a cure for the dreadful diseases that have stricken so many Americans, I strongly object to forcing those Americans who believe embryonic stem cell research is immoral to subsidize such research with their tax dollars.

The main question that should concern Congress today is does the United States Government have the constitutional authority to fund any form of stem cell research. The clear answer to that question is no. A proper constitutional position would reject federal funding for stem cell research, while allowing the individual states and private citizens to decide whether to permit, ban, or fund this research. Therefore, I will vote against H.R. 810.

Unfortunately, many opponents of embryonic stem cell research are disregarding the Constitution by supporting H.R. 2520, an ''acceptable'' alternative that funds umbilical-cord stem cell research. While this approach is much less objectionable than funding embryonic stem cell research, it is still unconstitutional. Therefore, I must also oppose H.R. 2520.

Federal funding of medical research guarantees the politicization of decisions about what types of research for what diseases will be funded. Thus, scarce resources will be allocated according to who has the most effective lobby rather than allocated on the basis of need or even likely success. Federal funding will also cause researchers to neglect potential treatments and cures that do not qualify for federal funds. Ironically, an example of this process may be found in H.R. 2520; some research indicates that adult stem cells may be as useful or more useful to medical science than either embryonic or umbilical cord stem cells. In fact, the supporters of embryonic stem cell research may have a point when they question the effectiveness of umbilical cord stem cells for medical purposes. Yet, if H.R. 2520 becomes law, researchers will have an incentive to turn away from adult stem cell

research in order to receive federal funds for umbilical cord stem cell research!

Mr. Speaker, there is no question that H.R. 810 violates basic constitutional principles by forcing taxpayers to subsidize embryonic stem cell research. However, H.R. 2520 also exceeds Congress's constitutional authority and may even retard effective adult stem cell research. Therefore, I urge my colleagues to vote against both H.R. 810 and H.R. 2520.

Ms. BORDALLO. Mr. Speaker, I rise today in support of H.R. 2520, an act that will provide for a nationwide umbilical stem cell transplantation system. Not only does the implementation of such a system pave the way for numerous potentially life saving medical advances, but it builds on an area of study that has a demonstrated track record of success. Additionally, this legislation reauthorizes the national bone marrow transplant system, which has been a great success.

The Twenty-First Century witnessed many great scientific achievements and medical advances. These advances have helped to cure or mitigate against a number of formerly terminal conditions and diseases. One can only imagine the possibilities that modern technology and modern research offer, which will yield even greater achievements in the near and distant future. However, we must also be cognizant of ethical standards to ensure that new technology does not compete with the moral standards of our society. H.R. 2520 is a good start.

Studies have demonstrated that stem cells found in umbilical cords may be used to regenerate human nerve, blood, cartilage, skin and muscle cells. Research also demonstrates that conditions such as leukemia and sickle cell disease could be cured by more advanced umbilical cord stem cell research. Cord blood cells are already being used to treat over 67 diseases. We need to support this research, and creating a nationwide umbilical stem cell transplantation system is an important first step to providing scientists with the resources they need to make advances in this field of study. This database can also be used to allow potential donors to patients in need of various types of transplants.

H.R. 2520 provides a vehicle for promoting and enhancing promising scientific research in the field of umbilical stem cell transplantation. It certainly meets the highest standards of bioethics and has a track record of scientific evidence suggesting that investing taxpayer resources to promote this field of study will result in positive dividends for the health of our communities. I strongly support H.R. 2520, and I encourage my colleagues to vote yes for this important legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. BARTON) that the House suspend the rules and pass the bill, H.R. 2520.

The question was taken.

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

Mr. SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

STEM CELL RESEARCH ENHANCEMENT ACT OF 2005

Mr. BARTON of Texas. Mr. Speaker, pursuant to the order of the House of Monday, May 23, 2005, I call up the bill (H.R. 810) to amend the Public Health Service Act to provide for human embryonic stem cell research, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of H.R. 810 is as follows:

H.R. 810

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 ''Stem Cell Research Enhancement Act of 2005''.

SEC. 2. HUMAN EMBRYONIC STEM CELL RESEARCH.

Part H of title IV of the Public Health Service Act (42 U.S.C. 289 et seq.) is amended by inserting after section 498C the following:

''SEC. 498D. HUMAN EMBRYONIC STEM CELL RESEARCH.

''(a) IN GENERAL.—Notwithstanding any other provision of law (including any regulation or guidance), the Secretary shall conduct and support research that utilizes human embryonic stem cells in accordance with this section (regardless of the date on which the stem cells were derived from a human embryo) .

''(b) ETHICAL REQUIREMENTS.—Human embryonic stem cells shall be eligible for use in any research conducted or supported by the Secretary if the cells meet each of the following:

''(1) The stem cells were derived from human embryos that have been donated from in vitro fertilization clinics, were created for the purposes of fertility treatment, and were in excess of the clinical need of the individuals seeking such treatment.

''(2) Prior to the consideration of embryo donation and through consultation with the individuals seeking fertility treatment, it was determined that the embryos would never be implanted in a woman and would otherwise be discarded.

''(3) The individuals seeking fertility treatment donated the embryos with written informed consent and without receiving any financial or other inducements to make the donation.

''(c) GUIDELINES.—Not later than 60 days after the date of the enactment of this section, the Secretary, in consultation with the Director of NIH, shall issue final guidelines to carry out this section.

''(d) REPORTING REQUIREMENTS.—The Secretary shall annually prepare and submit to the appropriate committees of the Congress a report describing the activities carried out under this section during the preceding fiscal year, and including a description of whether and to what extent research under subsection (a) has been conducted in accordance with this section.''.

The SPEAKER pro tempore. Pursuant to the order of the House of Monday, May 23, 2005, the gentleman from Texas (Mr. BARTON) and the gentlewoman from California (Ms. DEGETTE) each will control 1 hour and 30 minutes.

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

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that the gentleman from Texas (Mr. DELAY) be given 45 minutes of the debate time on the pending bill.

The SPEAKER pro tempore. Without objection, the gentleman from Texas (Mr. DELAY) will control that time.

There was no objection.

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that the gentleman from Delaware (Mr. CASTLE) be allowed to control 20 minutes of the remaining 45 minutes that I currently have control over.

The SPEAKER pro tempore. Without objection, the gentleman from Delaware (Mr. CASTLE) will control that time.

There was no objection.

GENERAL LEAVE

Mr. BARTON 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 to insert extraneous material on the pending bill.

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

There was no objection.

Mr. BARTON of Texas. Mr. Speaker, I yield myself 5 minutes.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, I have a prepared statement I am going to put into the record on this bill, H.R. 810, but I am going to actually speak from the heart because I think that this is a very important issue.

Most of the issues that come before this body, there is an automatic position on. It may be the Republican position, the Democrat position, the Texas position, or it could be the committee position. And we come to the floor and we, almost by rote, say what is the particular position, and that is the way we vote.

But every now and then an issue comes up that is really an issue of conscience. It is an issue that deserves to be thoughtfully considered, debated, and decided on its own merit.

Now, there are many Members today that believe this particular issue is an issue that they feel so strongly about, on either side, that this is an easy issue for them, it is an automatic issue. They are going to be for it or against it for very valid reasons. But there are some of us, and I am in that camp today, that believe it is not an easy issue.

I come to the floor as a 100 percent lifetime voting member on prolife issues, minus one vote, in over 21 years. On all the votes that the prolife coalition at the State and Federal levels have scored as scorable votes, my record until this year was 100 percent, and I voted the wrong way on one issue so far this year from the prolife position. So that is not a bad record, 100 percent minus one. And after this vote today, I am going to be 100 percent minus two.

Why is that? Well, part of it is personal and part of it deals with tragedies in my family in the past. My father died of complications of diabetes at the age of 71. My brother, Jon Kevin Barton, died of liver cancer at the age of 44. My first granddaughter, Bryn Barton, died in the womb 2 days before delivery with complications of the umbilical cord, which had become crimped, and she was actually born dead.

Maybe the research we are debating today could not have helped any of those diseases or could not have helped my granddaughter, but maybe it could.

I am also going to vote for Castle-DeGette because of the future, not just the past. My wife Terri and I are expecting a baby in September, Jack Kevin Barton, named after her late father and my late brother, Jon Kevin Barton. He may come into this world with some disease. Hopefully not. I have three children that are already alive, Brad, Alison, and Kristin. I have two stepchildren, Lindsay and Cullen. I have three grandchildren that are living, Blake, Brent and Bailey Barton. Maybe they will live healthy, productive lives and they will never need some therapeutic breakthrough, but maybe they will. Maybe they will.

Now, we just voted for an expansion of cord blood and bone marrow research, which is a very, very good deal, and it deals with adult stem cells. And maybe the breakthrough is going to come in adult stem cells. I hope it does. I would love it. But maybe, just maybe, it is going to come because of embryonic stem cells.

Now, the President adopted a position in early 2001 that said the existing stem cell lines then in existence could be federally funded for research. They thought there were about 78 lines. It turned out that there were 22 they are using, there are 16 that are frozen, and there may be one or two more that might be used. But in any event, none of those lines that are currently allowed to be used for research purposes at the Federal level have been shown to have that breakthrough stem cell.

There are 200 adult cells in the body. The hope of stem cell research, whether it is adult or embryonic, is that we will find that one perfect cell that can be replicated into any of the other cells.

It is assumed, and it is an assumption, not a fact, that the plasticity of the embryonic cell is better and that there is a greater likelihood, although the research has only been done for the last 7 or 8 years, that there is a likelihood there might be a greater potential. And I want to emphasize might be.

So where I come down is, let us look at all the avenues.

□ 1345

We just voted for Smith-Barton-Young. Let us also vote for Castle-DeGette and look at all of our resources. That is why I am going to vote ''yes.''

Mr. Speaker, I rise to manage the time of debate on H.R. 810, legislation designed to expand the number of sources of embryonic stem cell lines that may be the subject of federally funded research. The bill is straightforward, yet the policy concerns surrounding this bill are anything but black and white. Before I yield time to my colleagues, I want to clarify a few of the following facts.

What the sponsors of this bill are trying to do is create enough lines of embryonic stem cells to allow basic scientific research to move forward. Many scientists believe that once we can identify a perfect, undifferentiated stem call, it will lead to significant scientific breakthroughs and the discovery of cures for many diseases.

Currently, there are approximately 22 lines of embryonic stem cells that are available for federally funded research. This number is far below the estimated number of stem cell lines that were thought to exist in August of 2001, when the President announced his stem cell policy. When President Bush announced that Federal research dollars could be used for the first time on then existing stem cells, it was believed that there were at least 60 viable lines of stem cells that could be used for this research. For a variety of reasons, not all of these potential lines are now available for research.

We will also eventually need additional embryonic stem cell lines to make further scientific advances. In recent conversations with leading stem cell researchers, they indicated to me that all lines of embryonic stem cells eventually become exhausted. In order to produce clinical therapies, it is likely that researchers will also need more embryonic stem cell lines, of different genetic variations, than are presently eligible to receive Federal support.

In addition, the majority of the existing embryonic stem cell lines eligible for Federal support use mouse feeder cells, which will make it nearly impossible for these embryonic stem cell lines to be adopted in clinical use. For all of these reasons, researchers believe that the current number of embryonic stem cell lines will have to be increased.

It is difficult to take an ideologically pure position on this issue. President Bush recognized this on August 9, 2001. On recognizing the profound potential benefits of embryonic stem cell research, President Bush permitted for the first time Federal taxpayer dollars to be spent on embryonic stem cell research.

For my entire career in Congress, I have been a staunch defender of the culture of life and opposed all forms of abortion. At the same time, I believe we have an obligation to improve existing lives and do what we can to make them better in the future.

Today, on this difficult issue, Members will need to vote their consciences. My decision to support this bill was a difficult one, which I came to only after much personal struggle and reflection. My decision was shaped, in part, by the painful experiences of my own family. We lost my brother Jon in 2000, at the age of 44, after a long struggle with liver cancer. My father died after suffering from complications resulting from diabetes.

Let me tell you for a moment about my brother, Jon. He was younger than me. He and his wife, Jennifer, had two children, Jake and Jace. He was a State district judge in Texas. They told Jon he had liver cancer when he was just 41 years old. We tried everything and, in fact, his cancer went into remission. The next year, it came back. Jon died in just three months short of his 44th birthday. I offered to give him part of my liver, but the doctors said he was too far-gone and it wouldn't work. That was five years ago. Jake is now 15, and Jace is 12. Every time I see them and their Mom, I think of Jon and wonder what stem cell research could have done for our family.

I cannot know the truth with absolute certainty, but my heart says that my brother and my father might be with me today if their doctors had access to treatments from stem cell research. Their lives were precious to me and to our family. I come to my decision on this vote because I believe in life, and in the future. If a vote today can save other families from losing brothers and fathers, my conscience will not permit any other decision.

I fully understand that some will say I am just wrong, or blinded by personal emotion. Many who disagree with me are my friends, and I completely respect their views and their advice. They are good people, and good people with the same facts sometimes come to different conclusions. Now, a few others will say that death is simply a part of life. No, it is not. I do not believe that we can ever accept that proposition without setting out on an extraordinary and dangerous path. Life is to be cherished and extended, and death is to be fought and never accepted.

My father and my brother died because illnesses took them. If I can do something to cure illness and thwart death for other families, I will because I must. Scientists believe that expanded embryonic stem cell research holds the potential to find cures for diseases like cancer or diabetes. It is my hope that supporting this bill will mean that many other American families will never have to endure the suffering and loss that my family went through. I believe that my obligation is to help advance science to make human life better now and in the future, in a manner that is consistent with Judeo-Christian ethics.

As we move forward with debate on this bill, my only request is that my colleagues try to respect one another and the deeply held beliefs on both sides of this very complex issue.

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

Ms. DEGETTE. Mr. Speaker, I ask unanimous consent to yield 35 minutes to the gentleman from Michigan (Mr. STUPAK), and that he be allowed to yield that time.

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

There was no objection.

Ms. DEGETTE. Mr. Speaker, I yield 3 minutes to the distinguished and courageous gentleman from Rhode Island (Mr. LANGEVIN).

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

Mr. LANGEVIN. Mr. Speaker, I rise in strong support of H.R. 810, and I want to acknowledge the bipartisan effort that has gone into this legislation and the incredible grass roots movement that has built support for this groundbreaking medical research. It

has been inspirational to see so many Members putting aside politics and partisanship to address this issue which affects the lives of millions of Americans.

Mr. Speaker, I am one of those Americans. At age 16, I was an Explorer Scout in my hometown police station. One afternoon, in the police locker room, a gun accidentally discharged. The bullet severed my spinal cord, and I have been paralyzed ever since.

This experience shapes my perspective in so many ways. Above all, it has given me tremendous appreciation and respect for life. My life as a quadriplegic is filled with challenges and obstacles, yet I am grateful for every minute. This gratitude has become a passion, and it has motivated me to help create a culture that values and protects life from its beginning to its end.

To me, being pro-life also means fighting for policies that will eliminate pain and suffering and help people enjoy longer, healthier lives. And to me, support for embryonic stem cell research is entirely consistent with that position. What could be more life-affirming than using what otherwise would be discarded to save, extend, and improve countless lives?

This research offers the opportunity to discover cures and treatments for diseases like Parkinson's, Alzheimer's, ALS, diabetes, spinal cord injury, and many others. But it will take not only the talent of our scientists, but also the support of our government to realize its full potential. We have a responsibility to ensure that this research proceeds, and it does so with ethical safeguards and strict guidelines. By permitting research only on excess embryos created in the in-vitro fertilization process, and by establishing a clear, voluntary consent process for donors, H.R. 810 meets this responsibility.

Stem cell research gives us hope and a reason to believe. I believe one day a child with diabetes will no longer face a lifetime of painful shots and tests. I believe one day families will no longer watch in agony as a loved one with Parkinson's or Alzheimer's gradually declines. And I believe one day I will walk again.

There are few moments in medical history when we can clearly identify a giant step forward in improving countless lives. We saw it with the discovery of antibiotics and the advent of organ transplants.

Mr. Speaker, I believe that adult and embryonic stem cell research is another of these great moments. Today we have a historic opportunity to make a difference in the lives of millions of Americans and for people around the world. I urge my colleagues to vote in favor of H.R. 810.

Mr. DELAY. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. PENCE).

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

Mr. PENCE. Mr. Speaker, I thank the majority leader for yielding me this time.

Mr. Speaker, I rise today in respectful opposition to this sincerely conceived, but ill-founded, legislation known as Castle-DeGette, a bill that authorizes the use of Federal tax dollars to fund the destruction of human embryos for scientific research.

As we begin this debate, I am confident we will hear the supporters of this bill argue in the name of President Ronald Reagan, that somehow this research is consistent with his long-held views on the sanctity of life. But it was Ronald Reagan who wrote: ''We cannot diminish the value of one category of human, the unborn, without diminishing the value of all human life.''

The supporters will also argue that this is a debate between science and ideology, that destroying human embryos for research is necessary to cure a whole host of maladies, from spinal cord injuries to Parkinson's. But the facts suggest otherwise.

As Members will hear to date, embryonic stem cell research has not produced a single medical treatment, where ethical adult cell research has produced some 67 medical miracles. Physicians on our side of the aisle will make the case for the ethical alternative of adult stem cell research, and Congress today has already voted to greatly expand funding in this area.

But the debate over the legitimacy or the potential of embryonic stem cell research is actually not the point of this debate. We are here simply to decide whether Congress should take the taxpayer dollars of millions of pro-life Americans and use them to fund the destruction of human embryos for research. This debate is really not about whether embryonic stem cell research should be legal. Sadly, embryonic stem cell research is completely legal in this country and has been going on at universities and research facilities for years.

The proponents of this legislation do not just want to be able to do embryonic stem cell research. They want me to pay for it. And like 43 percent of the American people in a survey just out today, I have a problem with that.

You see, I believe that life begins at conception and that a human embryo is human life. I believe it is morally wrong to create human life to destroy it for research, and I further believe it is morally wrong to take the tax dollars of millions of pro-life Americans who believe, as I do, that human life is sacred, and use it to fund the destruction of human embryos for research.

This debate then is not really about what an embryo is. This debate is about who we are as a Nation, not will we respect the sanctity of life, but will we respect the deeply held moral beliefs of nearly half of the people of this Nation who find the destruction of human embryos for scientific research to be morally wrong.

Despite what is uttered in this debate today, I say again, this debate is not about whether we should allow research. This debate is not about whether we should allow research that involves the destruction of human embryos. This debate is about who pays for it, and it is my fervent hope and prayer as we stand at this crossroads between science and the sanctity of life that we will choose life.

This morning on Capitol Hill I was surrounded by dozens of ''snowflake babies,'' some 81 children who were born from frozen embryos, the throw-away material we will hear about today. As I spoke over the cries and cooing of those little fragile lives, I could not help but think of the ancient text: ''I have set before you life and Earth, blessings and curses, now choose life so that you and your children may live.''

Let this Congress choose life and reject Federal funding for the destruction of human embryos for research.

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

Mr. Speaker, this debate we are having surrounding H.R. 810, the Stem Cell Research Enhancement Act, is really one of the most fundamentally important debates that this body can undertake. Regrettably, this discussion will only last a few hours on the floor of the House of Representatives today.

There have been no hearings on this bill or on the previous stem cell bill. H.R. 810 addresses the most fundamental, basic, ethical issue: life, and when does it begin; when should life, including human embryos, be open to experimentation and scientific research.

Those of us who believe in the sanctity of life from conception to our last breath, find the logic of the proponents of embryonic stem cell research flawed. H.R. 810 allows research and science to triumph philosophy and values.

This country seeks to be a world leader militarily, economically and scientifically, and culturally. But what about morally and ethically? What about leading the world in ethics and morals by declaring human life off limits to research and to manipulation through stem cell research? What about leading the world in ethics and morals by declaring human life from embryonic stage to old age as valued? We, as a Nation, believe that all life is precious and there is an ethical line that we as a people, as a Nation, will not cross.

We should lead by declaring that human life, even at the embryonic stage, is not open to manipulation, experimentation, or research. We cannot mask the efforts to manipulate human life under the guise of science or medical research.

You and I, each of us, we all share one thing in common: we were all embryos at one time. The embryos that were you and me were allowed to grow to become Congressmen, Congresswomen, police officers, factory workers, soldiers, government employees, lawyers, doctors, scientists. We were all embryos at one time. We were all

allowed to grow. Whether an embryo, a human life, is or is not allowed to grow, to become a unique individual, is a discussion this country really should have, a meaningful discussion, not just a few hours of debate in this Chamber.

It is my hope that families, individuals, couples and our children will have a discussion on human life and when it begins. Is an embryo life? At what point does an embryo become life? At what point does our Nation shelter life with the constitutional, legal, and governmental safeguards? Are there other ways to do promising medical and scientific research without destroying human embryos?

This is an ethical discussion I hoped would take place in the Halls of Congress, in the congressional committee rooms, in homes and workplaces all across America. Whether it is at the watercooler or in the cloakroom, these ethical and moral issues should and must be discussed as a Nation, as a people, as a culture, and as a world leader. Instead, this will only be discussed for a few hours on the House floor.

The other body has just gone through public, political, and senatorial debate on the use of a filibuster in our democracy. Because of this debate, a healthy discussion occurred in America. I, for one, do not wish to avoid the moral and ethical issues of stem cell research debate.

Yesterday in a news show, the commentator asked me why not allow stem cell research on discarded medical waste. Is that what we have come to, to viewing embryos, which if allowed to grow and divide would become human beings, being treated as medical waste? Why are proponents of H.R. 810 so adamant that we do research specifically using embryonic stem cells? According to the proponents of this legislation, these stem cells are our best hope of finding cures. They can develop into all cells of the body. They say medical science can unlock the keys to life. We can cure any disease or injury. They argue we must create life and then kill it to unlock the mysteries of life for scientific medical research.

Create and clone the building blocks of life so we can manipulate and experiment? Is that the line we wish to cross today? We will hear today about other research with adult stem cells, cord and placenta cells, bone marrow, fetal tissue, and unraveling our DNA through mapping of genome, all in the pursuit of finding medical cures for the dreaded diseases, illnesses, and injuries we all wish to cure. But where do we draw the line on medical research and say we as a Nation, we as a people will not cross that line? This question has not been adequately addressed in this legislation.

When do embryos become life? If you read the materials, after 40 hours, less than 2 days, the fertilized egg begins to divide and the embryos are checked after 40 hours. Or is it 5 days when embryos are called blastocysts? At this stage there are approximately 250 cells. Or do we allow the blastocysts to survive in a laboratory culture for up to 14 days and still not call them human life but blastocysts so they are still open to research and experimentation?

□ 1400

When does life become scientifically nonexistent?

I ask these questions because H.R. 810 is silent on these issues. It does not specify how long these embryos are allowed to grow before they are killed—2 days, 5 days, 14 days or more. Proponents of H.R. 810 will claim that their legislation will address the ethical manner in which this research will be conducted. Yet their legislation is silent on the ethics, other than subsection C that directs the Secretary of HHS to create guidelines within 60 days.

Two presidential bioethics advisory panels have given us differing guidance on when and how research should be conducted. If this Nation, through its elected leaders, allows embryonic stem cell research, then we as representatives of the American people should have the courage to state unequivocally where we stand and answer the ethical questions presented before us here today. As elected leaders, we should set some basic guidelines, not leave the guidelines to unelected and unnamed administrative officials.

I know many Members on both sides of the aisle, of all political philosophies, have struggled with questions of morality, questions of life and questions of faith this past week. Many of us have asked ourselves that same question, and I have concluded that this legislation is unethical and unnecessary.

H.R. 810 mandates Federal tax dollars to be used to destroy human embryos. These embryos, if allowed to live, would grow into beautiful children like the snowflake children visiting the Capitol today. They are human life. You, I and they were embryonic stem cells that were allowed to grow.

Congress should not take lightly the destruction and manipulation of human life. It is clear that the American public does not. Forty-three percent of the American public clearly opposes more Federal funding for human embryonic research. Fifty-three percent clearly support more Federal funding, according to CNN.

As I said before, this legislation has no limits as to how long the embryo can grow. The National Academy of Sciences' guidelines recommends allowing them to grow for no more than 14 days.

Again, this legislation is not necessary. Human embryonic stem cell research is completely legal today in the private sector. Embryonic stem cell research is eligible for State funding in several States, California and New Jersey, and is funded through millions of dollars in private research money, $100 million alone at Harvard University.

Since August 2001, 128 stem cell lines have been created. And still human embryonic stem cell research is funded by the Federal Government today. The National Institute of Health spent $24 million on embryonic stem cell research in fiscal year 2004, the last year that data was available. Twenty-two human embryonic stem cell lines are currently receiving Federal funding. These lines are sufficient for basic research according to the NIH director. Former Secretary of Health and Human Services Tommy Thompson has said that these lines should be exhausted first before we move any further.

Finally, embryonic stem cell research remains unproven. Not a single therapy has been developed from embryonic stem cell research. Instead of cures, embryonic stem cell research has led to tumors and deaths in animal studies. The gentleman from Florida (Mr. WELDON) has had his staff scour the medical journals for real proof of therapeutic benefit of embryonic stem cell research, but has come up empty handed. There have been zero published treatments in human patients using embryonic stem cells.

While the promise of embryonic stem cells is questionable, the promise of adult stem cell research is being realized today. Adult stem cells are being used today to save lives. Recognizing this, the National Institutes of Health spent $568 million in fiscal year 2006 on adult stem cell research. Adult stem cells are being used today in clinical trials and in clinical practice to treat 58 diseases, including Parkinson's, spinal cord injury, juvenile diabetes, brain cancer, breast cancer, lymphoma, heart damage, rheumatoid arthritis, juvenile arthritis, stroke, and sickle cell anemia.

I am pleased the House is passing legislation today, the Stem Cell Therapeutic and Research Act, to promote adult stem cell research. But we are faced now with a bill that is unethical and incomplete. H.R. 810 says nothing about human cloning, which is still perfectly legal today. I introduced legislation with the gentleman from Florida (Mr. WELDON) and Senators BROWNBACK and LANDRIEU to ban all human cloning. The inevitable truth is that if we pass this bill today, the cloning of a human baby will only come sooner. There is no room for shades of gray on this issue. The, quote, therapeutic cloning that will result from this legislation will make reproductive cloning even more likely.

We should not allow the creation of life for the purpose of destroying it. That is what happens with this bill.

Let me be clear. I am committed to funding scientific research that will unlock the origins of disease and develop cures that can help my constituents. Again, 58 conditions are being treated using placental and adult stem cells, and we cannot begin to imagine the promising new treatments and drugs on the horizon. But we cannot let

science leapfrog our ethics, our morals and our legal system. This is not a partisan issue, and it is bigger than a right-to-life issue.

It is clear that adult stem cell research has opened the door to the dreams of lifesaving treatments and cures for our most deadly and debilitating diseases, but I do not believe it is time to open the door to more embryonic stem cell research and open the floodgates to human cloning.

I urge my colleagues to vote against H.R. 810.

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

Mr. CASTLE. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, just speaking to the Members perhaps back in the offices listening, I have 820,000 constituents in Delaware, and probably more than a third of them have some kind of a disease that might be able to be benefited by embryonic stem cell research.

That is true of the figures in the country. We have 110 million people who have illnesses out of the 290 million people who are living here. They have visited my office. They have visited your offices. There is not a person in this room who has not had many, many visits by people who have very, very serious needs, whose lives are going to be shortened.

I am all for the first bill we debated today because I think it might help somewhat, but I have also looked at some statistics and I have come to realize that of the 15 leading diseases, adult stem cells cannot do anything about 14 of them and can do a only little bit about heart diseases as they deal with only blood diseases in terms of what they can do. Embryonic stem cell research has the ability, perhaps, to do much more than that.

People are going to get up and they are going to say, well, it hasn't done anything yet. They were only discovered about 6½ years ago. If you read the vast body of research in the United States of America on this subject by people who are truly knowledgeable, you are going to learn there is more potential here than anything that has ever happened in medicine in the history of the United States of America. Congress should never, ever turn its back on this opportunity.

How are we going to get there? How are we going to do embryonic stem cell research? I do not have time to go through the whole in vitro fertilization process except to say that we create embryos in that particular process. They are then frozen. They are generally used and well used, the 400,000 embryos which are out there, to help give birth to people who might not otherwise be able to have a child. But at the end of the process, a decision is made by the individuals that may be involved with that. If the decision is they no longer want that particular embryo, they may do a variety of things with it. They may, as has been discussed here, give it up for adoption. They may decide to have it discarded as hospital waste. That is where the vast, almost all of them actually go as hospital waste.

We want to give them the opportunity to say, within that embryo there are stem cells which could help other people live better lives and give them the opportunity to be able, instead of having it put in a bag for hospital waste, sitting at that table, to be put over here, and the State to be able to do the research. That is what we need to do. We need to be able to develop that as rapidly as we possibly can for the benefit of all mankind.

Mr. Speaker, I rise today in support of H.R. 810, the Stem Cell Research Enhancement Act.

I have been in public office for over 30 years and throughout my career, I—just like all of you—have had the opportunity to change and improve public policy so this country may continue to flourish on the principles it was founded. And the 820,000 people I represent in the State of Delaware are a constant reminder to me of this responsibility. I am their voice in the Congress of the United States.

Some of you may be wondering why I have become so interested and involved in embryonic stem cell research. And frankly, the answer is simple—those 800,000 constituents.

We estimated that about one-half of all visits to my office are about health care and about one-half of those visits are by Delawareans who are suffering themselves or whose family members are suffering—from juvenile diabetes, Alzheimer's, cancer, Parkinson's, HIV and hosts of other dredge diseases. Year by year the groups would grow in number and soon we would have to get bigger rooms for our meetings.

In the early years we would discuss the necessity of funding the National Institutes of Health, and I was proud to be able to support Newt Gingrich and the Republican Party's drive to double funding for the NIH. And that funding has gone toward the basic science needed to find cures and treatments to our most debilitating diseases. But in the past few years, the number one topic on these groups' minds was embryonic stem cell research.

One little girl stands out in mind. I met her a few months ago at an event back in Delaware. Olivia was two months old when she was diagnosed with type 1 diabetes. Her parents were first time parents so it is no wonder that the practice of testing her blood sugar and giving her insulin shots was extremely heartbreaking. Olivia is now 6 and has never known life without diabetes. She is the person we are fighting for on the floor today.

She is one of 110 million people who are suffering that may be helped by stem cell research.

I remember very clearly the difficult decision President Bush made on August 9, 2001 and I know how careful he was to balance the needs of science with his own moral concerns. At the time, the compromise—to allow Federal funding for research on embryonic stem cells lines that had already been derived—seemed quite reasonable. But as we know, unfortunately, the number of lines eligible for research—once as high as 78—is now only at 22, with the NIH saying the number of lines will never get above 23.

So when DIANA DEGETTE and I began discussing how to expand the President's policy in an ethical manner, I went right back to the speech he gave to the Nation in 2001. We wanted to be as consistent as possible with the ethics he laid out in his speech as we worked to update the policy. The legislation we are going to vote on today, H.R. 810, the Stem Cell Research Enhancement Act, which has the backing of the medical groups, the scientists, the research universities and the patient advocacy groups, mirrors the President's ethical requirements.

I will read them to you and ask that you think about them very closely:

(1) Embryos used to derive stem cells were originally created for fertility treatment purposes and are in excess of clinical need;

(2) The individuals seeking fertility treatments for whom the embryos were created have determined that the embryos will not be implanted in a woman and will otherwise be discarded; and,

(3) The individuals for whom the embryos were created have provided written consent for embryo donation and without receiving financial inducement. You may ask what is different—we simply lift the arbitrary August 9, 2001 date.

It is also critical that we are clear about what this legislation does not do:

(1) No federal funding for the destruction of embryos or human life. This is prohibited by law.

(2) No federal funding for the creation of embryos for research.

Under our legislation it is up to the couple to decide what should happen to their embryos. Embryos can be adopted or donated; embryos can be frozen for future family building; embryos can be discarded. After that initial decision is made, and if a couple decides to discard the embryos, our legislation would allow those couples to make a second choice—do they want to donate them to research?

An embryo or blastocyst is about 250 cells and the inner cell mass is about 100 cells and that is where the stem cells come from. They are created in a petri dish, are about 5 days old and are the size of a pine head. Of the 400,000 frozen embryos in in vitro fertilization clinics throughout the U.S., about 2 percent are discarded annually—that is about 8,000—11,000 embryos that could be slated for research. Allowing the option of donating these excess embryos to research is similar to donating organs for organ transplantation in order to save or improve the quality of another person's life.

The bottom line is when a couple has decided to discard their excess embryos they are either going to be discarded as medical waste or they can be donated for research. Throughout this debate you will hear about adult stem cells and more about umbilical cord cells and how these types of cells are sufficient for scientists.

This is simply not true. Umbilical cord cells are adult stem cells and they are limited.

Adult and umbilical cord cells are already differentiated into the types of cells they are, they are difficult to harvest and grow and they do not exist for every tissue type. On the other hand, embryonic stem cells are "master cells"—they have the potential to grow into any type of cell in the body, they are easier to identify, isolate, purify and grow and they are capable of continual reproduction.

Listen to what the NIH has to say on this topic:

Human embryonic stem cells are thought to have much greater developmental potential than adult stem cells. This means that embryonic stem cells may be pluripotent—that is, able to give rise to cells found in all tissues of the embryo except for germ cells rather than being merely multipotent—restricted to specific subpopulations of cell types, as adult stem cells are thought to be.

In 2003, 1.6 million people died of heart disease, cancer, diabetes, Alzheimer's, kidney disease, liver disease and Parkinson's. Of the 15 leading causes of death, adult stem cell research only addresses one. Adult stem cells have been around since the 1960s. Embryonic stem cells were only isolated in 1998. We must explore research on all types of stem cells, but the reality is the only policy that is restricted is the Federal embryonic stem cell policy.

The NIH is the right place to oversee this research because it can regulate the ethics, it provides for scientific collaboration and peer review and promotes publication so all breakthroughs are reported and all scientists have access to the latest research discoveries. Without NIH oversight there are no guidelines as to how this research should be conducted.

The United States has always been the premier leader in biomedical research in our country and around the world. As science continues to move rapidly forward, we need to continue to lead the way but we are not. Why should we waste one more year, one more day, forcing millions to suffer because of a policy that is outdated and unworkable.

Does this Congress really want to look back 10 years from now and say that we were the ones holding the treatments up? Or do we want to be the Congress that says, we back science, we want research to flourish and we played a small role in making that happen.

Support H.R. 810, the Stem Cell Research Enhancement Act and accelerate hope.

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM).

Mr. CASTLE. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM).

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from California is recognized for 2 minutes.

Mr. CUNNINGHAM. Mr. Speaker, a family invests their embryos. They are not going to save them for 1,000 years. Some of those embryos cryogenically deteriorate so they are going to discard those embryos. Others are just thrown down the toilet because someone does not want them anymore.

Those are the embryos that we can use for stem cell research, only the ones that are going to be thrown away. If there are 400,000, then we will use 400,000. If there are only 10, we will use 10 unless they can be adopted, which I also support in this bill.

People say that there has been no research. If you take a look in animals, they have actually saved spinal cords in animals, in heart, in Alzheimer's, but they just have not done it in humans. There is potential, both for adult and embryonic stem cell.

I have been here 15 years and I am 100 percent prolife, 100 percent. This is an issue of life to me.

I had a 6-year-old in the committee that said, Duke, you're the only person who can save my life. Do you have a child with diabetes? Do you have a child with other diseases that could be prevented? Then you would support this. I am for life and I am for the quality of life, but I do not want another 6-year-old to die.

I opposed the California bill. It went too far. I do not support cloning, but I want to save life. We are this close to stopping juvenile diabetes. There are other embryos that are tainted so bad that you would not implant those and they want to study those so that they can stop those childhood diseases. But you cannot look a child in the eye when the only chance they have to live is this research.

Ms. DEGETTE. Mr. Speaker, I am very pleased to yield 2 minutes to the distinguished gentleman from Arkansas (Mr. SNYDER).

Mr. SNYDER. Mr. Speaker, this is a grand and glorious debate we are having today. Think of what we are doing. We are debating the best route for achieving wonderful, healing medical possibility, possibility that would have been unheard of not many years ago. But it is only possibility. By definition, good research is always about possibility, about the potential of finding the answers to that which we do not know.

Let me share three perspectives with you today. First, that of a friend. This is a picture of a family I know. The mother, father and I trained together at the medical school in Arkansas. She was diagnosed with insulin dependent diabetes at age 7. She had early complications with retinal problems caused by the diabetes. Her husband is a doctor. Five years ago he had an accident and now has paralysis caused by spinal cord injury at the C7–T1 level. This family has hope, realistic hope that sometime in the many years of life ahead of them, medical research may give them the possibility of cure or dramatic improvement in her diabetes and his spinal cord injury.

Second, as a family doctor, I practiced medicine. My patients and I relied on past research done by many good scientists striving in an ethical manner to end the harsh realities of so many diseases. I know some of my friends in opposition to this bill today argue that embryonic stem cell research is junk science. I do not share this view, but to those of you pondering this view today I say, let our gifted researchers, not us legislators, answer the unanswered scientific questions for us. Funded ethical research is not junk science. Premature conclusion is.

Third, as patients, my wife and I have ventured into the world of fertility clinics. We have met doctors and nurses all working hard to help couples have families, and we have studied and prayed over the patient consent forms. The ultimate decision on what happens to unneeded embryos should be up to that fully informed family, and fully informed consent is part of this bill.

I support this bill today. I do not know what, if anything, will come from this funded research. That is why we do the research.

Please vote ''yes'' for this bill.

Mr. DELAY. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. PRICE), a physician for 25 years in Georgia and a member of the faculty at Emory University.

(Mr. PRICE of Georgia asked and was given permission to revise and extend his remarks.)

Mr. PRICE of Georgia. Mr. Speaker, as a physician, I know that respected scientists believe that misrepresentations and exaggerated claims in this debate are not only scientifically irresponsible, they are deceptive and cruel to millions of patients and their families who hope desperately for cures.

It seems to me that there is one unmistakable fact. Many in our society have sincere, heartfelt, passionate, ethical questions, worthy of our respect, regarding the scientific or medical use of embryonic stem cells. If our goal is truly to cure diseases and help patients, science tells us that today the use of adult and cord stem cells has successfully treated or holds real potential for treating nearly 60 diseases. The same cannot be said for embryonic stem cells, and adult stem cells carry none of the ethical questions or dilemma of embryonic stem cells.

I support stem cell research, active, aggressive and scientifically based, with respect for the difficult ethical questions we face today. I urge my colleagues to join me in respecting science, in respecting ethical concerns. If we do, we will recognize that stem cell research and treatment of disease should actively proceed with those adult and cord stem cells that are providing and will increasingly provide excellent and exciting cures for patients in need.

□ 1415

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

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

Ms. DEGETTE. Mr. Speaker, I yield 2 minutes to the gentlewoman from Wisconsin (Ms. BALDWIN), who has been a wonderful help on this bill.

Ms. BALDWIN. Mr. Speaker, I am fortunate to represent the University of Wisconsin, Madison, where Dr. Jamie Thompson and his team were the first to derive and culture human embryonic stem cells in a lab. These cells can be described as the parent cells of all tissues in the body. Embryonic stem cells open the possibility of dramatic new medical treatments, transplantation therapies, and cures.

But at 9 p.m. on August 9, 2001, the hope and promise of this embryonic stem cell research was greatly curtailed. President Bush declared that researchers who received Federal funding could work only with embryonic stem cell lines created before that date and time. There were supposed to be 78

lines that were eligible for federally funded research. However, due to age, old technologies, contamination, only 22 are useful for research today.

Mr. Speaker, why are we tying the hands of our scientists who receive NIH grants or other Federal dollars to support their research? Why are we curtailing scientific progress in America while scientists in other countries rapidly seize the opportunity inherent in advancing this research?

H.R. 810 creates strong new safeguards and guidelines concerning research on human embryonic stem cells. Strict criteria, including written informed consent for donation, must be met before Federal researchers can derive and culture new stem cell lines.

Some Members on the other side of this debate say their constituents are opposed to their Federal tax dollars being used on this groundbreaking science. Well, I have constituents as well, like young Jessie Alswager of Madison, Wisconsin. Jessie has juvenile diabetes, and every year he comes to Washington to lobby for this research to move us closer to a cure. Jessie is only 8; so I do not think he pays taxes yet; but his mom, Michelle, sure does. And Michelle, like millions of other Americans who could be helped by this science, very much want their tax dollars spent on stem cell research.

I urge support of the Castle-DeGette bill.

Mr. DELAY. Mr. Speaker, I yield 1 minute to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Speaker, I thank the leader for yielding me this time.

I ask myself this question: If we are going to deal with this debate on embryonic stem cell research, what are the ethics of this? One can go to Google and do a Google search on permissible medical experiments. And I did that, and I found that there is a list of 10 things that have to be qualifiers for permissible medical experiments on human beings. One is the subject must be a volunteer. The second one is there must be no alternative. The third one is results of animal experimentation must be proven successful prior to their experiments. The net result in death or disability cannot be accepted. The seventh one is there cannot be even a remote possibility of injury, disability, or death. The human subject must be at liberty to end the experiment. And the likely result cannot be injury, disability, or death. The exception is if a physician wants to experiment upon himself.

Where do I find this information, Mr. Speaker? I find this information in the military tribunals under Control Council Law No. 10, October, 1946, Nuremberg.

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

Mr. CASTLE. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. TOM DAVIS).

(Mr. TOM DAVIS of Virginia asked and was given permission to revise and extend his remarks.)

Mr. TOM DAVIS of Virginia. Mr. Speaker, we need to remember that embryonic stem cell research is legal. In the absence of the Federal Government, the States are already taking the lead. California is at the forefront of establishing a robust embryonic stem cell research program. New Jersey has followed suit, and seven other States are in the process of doing so. We do not want our stem cell research policies left to the vagaries of State electoral politics. The Federal Government in general, and NIH in particular, must be involved. The less NIH is involved with its time-tested methods and procedures, the less we are assured of good ethical guidelines and scientific methods will be followed. Instead, we will have more and more individual States attempting to set up their own regulatory schemes, something they may or may not be equipped to do.

Opponents argue that it is the product of a utilitarian world view, that somehow this is a zero-sum game, if the Members will, in which life is taken in order to give life. I think the strictures that are established by H.R. 810 negate that argument. Under this bill, Federal research will proceed using those embryos not used in fertility clinics, embryos voluntarily given that would otherwise be destroyed, that is, embryos that held the promise of life but are certain not to fulfill that promise. What we are doing is extending the potential life where otherwise there would be none.

I urge passage of H.R. 810.

Mr. BARTON of Texas. Mr. Speaker, I yield 2½ minutes to the gentlewoman from California (Mrs. BONO), a member of the committee.

Mrs. BONO. Mr. Speaker, I rise in strong support of H.R. 810. I would like to thank the chairman for all of his work in bringing this bill to the floor, and I would like to thank my leadership for allowing a vote on this important legislation.

As Representatives, we are in the unique position to frequently meet with a wide cross-section of people, many of whom are suffering from debilitating diseases, injuries, and ailments. These millions of patients, as well as their loved ones, have a clear message for policymakers: we support this research and we need their help.

Opponents of this bill have argued that we should not use Federal funds to pay for embryonic stem cell research. I respectfully disagree. The issue at hand is allowing for more pristine stem cell lines to be eligible for research. Scientists and researchers throughout the United States are constantly reminding us that the focus needs to be on the quality of the stem cell lines available which are eligible for Federal research. I would also like to state that there is no funding for the derivation of the lines and the lines must be ethically in accordance with the principles the President has laid out in his policy. We are undoubtedly slowing research progress by forbidding researchers from using Federal funds to conduct research.

Former First Lady Nancy Reagan has said about embryonic stem cell research: ''Science has presented us with a hope called stem cell research, which may provide our scientists with many answers that for so long have been beyond our grasp. I just don't see how we can turn our backs on this. We have lost so much time already. I just really can't bear to lose any more.''

We all know that the impetus for Nancy Reagan was the battle that her husband, President Ronald Reagan, fought with Alzheimer's disease. The former first lady is not alone. Over 4.5 million Americans are affected by Alzheimer's. I am encouraged by scientists' claims that embryonic stem cells will allow for more research on Alzheimer's, including the possibility that they may be used to grow new brain cells to replace the brain tissue destroyed by the disease.

Dana Reeves, the widow of actor and activist Christopher Reeves, sat with me less than 2 months ago and shared her family's devastating story. The potential for turning the hope for spinal cord injury into reality is evident, and I believe that by passing this legislation we can clear the way for research to move forward.

Dana and Nancy are just two of the more visible faces of public figures who have asked for this research.

Mr. Speaker, I implore my colleagues to please support this legislation, H.R. 810.

Ms. DEGETTE. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I stand today in strong support of the bipartisan Stem Cell Research Enhancement Act of 2005.

One of the few places this is really an extremely controversial bill is right here because the majority of Americans strongly support embryonic stem cell research. They want the Federal Government to fund research that is critical for some 128 million Americans who suffer from juvenile diabetes, Parkinson's, Alzheimer's, cancer, heart disease, spinal cord injuries, ALS, and other diseases.

Stem cell research is a medical issue, one that should and fortunately does transcend political lines and instead focuses on human lives. One such life is that of Clara Livingston, a 9-year-old girl with diabetes. During her testimony last week in a hearing in Chicago, Clara said, ''There are things I don't like about diabetes. I have to put a one-inch needle into my skin to connect my insulin pump. I don't like pricks or shots. I don't like having high blood sugar and not being able to eat. I don't like going low and fainting.'' She continued, ''I would like to find a cure because finding a cure will help make America and the rest of the world not worry about diabetes.''

Most scientists agree that embryonic stem cell research offers the greatest hope to patients like Clara. There are limitations on the usefulness of adult stem cells when compared to embryonic stem cells. For example, there are no adult stem cells in the pancreas. That means that adult stem cell research will be inadequate in helping Clara or any other patients who are patients hoping for a cure for diabetes.

While it is important to continue working with adult stem cells, it is also vital to fund the research funding embryonic stem cells. We do a grave disservice to millions of children and adults living with serious illness, as well as the millions who will develop these conditions in the future, by prohibiting promising research. This bill will lift these arbitrary restrictions and permit funding of cell lines regardless of where they were created. Federal funding guidelines assure that research will meet ethical standards and allow advancements to be made as quickly as possible. As Steven Teitelbaum of Washington University in St. Louis said, ''This is not a contest between adult and embryonic stem cells. This is a contest between us as a society and disease.''

I hope my colleagues will vote ''yes'' on this bipartisan legislation.

Mr. DELAY. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. BURGESS), who was an OB/GYN physician for 21 years and has delivered over 3,000 babies and understands that an embryo is a stage of development.

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. BURGESS), member of the committee.

Mr. BURGESS. Mr. Speaker, I thank the majority leader and my chairman for yielding me this time.

I do rise in opposition to this bill today.

The debate that we are about is expanding Federal funding, not limiting research. There are no bona fide treatments available for embryonic stem cells. There is nothing in the laboratory, and there is certainly nothing in the clinics available to patients. Honesty is an important part of this debate, and I am concerned that more than a promise has been offered to people who are suffering and the reality is that those potential treatments are much more limited than they have been portrayed.

The President, I think, wisely put parameters, set boundaries around this type of research back in 2001. Let us not forget that private funding for stem cell research is available today. A couple who has an embryo developed in an IVF clinic is perfectly free to take that embryo to a lab at Harvard or California and have a stem cell line developed. The reality is in a poll of my reproductive endocrinologists back home: that never comes up as an issue.

But 22 cell lines are currently utilized. There are an additional 31 cell lines available, per Dr. Zerhouni's testimony before our committee, that will be developed after the issue of animal growth medium becomes overcome. And there are two papers out this past week that indicate that that date may be quickly upon us.

Mr. Speaker, I think it is important that we follow the money in this debate. The reality is if there are indeed a third of the population of the United States who would benefit from this research, I believe that the big biotech money would be jumping into this. We would not be able to keep them out. They would be buying patents and capturing cell lines for their future use.

If there is one thing we learned in the last Presidential election, it was that both major candidates asserted that life begins at conception, and we are talking about taking a life. Remember that that inner cell mass that we are talking about that is taken at about 2 weeks of development, if we put that on a timeline of a human pregnancy, about 5 days later we are going to see a heartbeat on a sonogram.

So, Mr. Speaker, this is what the debate is all about. I urge us to protect life and vote against this bill.

Mr. STUPAK. Mr. Speaker, I yield 6 minutes to the gentlewoman from Ohio (Ms. KAPTUR).

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

Today we in the Congress are debating the essence of human life, the creation of life and the destruction of life. We are debating how one's family's life code, their DNA, is propagated and bequeathed to the next generation. Each human life begins as an embryo. What concerns me, as someone who cherishes life and is a strong supporter of medical research for epilepsy, for diabetes, for spinal cord injury, for Alzheimer's, for so many debilitating diseases, is that this bill seems to be on a very fast track. It is moving through this Congress at record speed and not under the normal procedures we depend on to make informed decisions.

□ 1430

Today I rise with more questions than answers on this bill. I respect the advocates. I respect those that do not support the bill. But I know one thing: On a matter of life and death, Congress should proceed carefully, thoughtfully and in an informed manner. All points of view must be heard and not suppressed.

Most surprisingly, this bill never had a subcommittee nor a full committee hearing. So my opinion today about this bill is: not yet. I am not yet confident that this institution has allowed for full dialogue to develop on a matter of such gravitas. Regardless of how you view the bills before us, the lack of a full hearing record is most troubling indeed.

I ask myself, why is the normal committee process subverted on a matter of such consequence? What do proponents have to lose? Where is the committee transcript that will tell us the diverging views of scientists on the potentiality of adult stem cell versus embryonic stem cell to improve life? The fact is, there is none. Some evidence indicates stem cell research from nonembryonic sources now has made a difference in treating 58 different diseases. We need to know more about the science.

Then, where is the committee record that helps us struggle with the essential moral question of: how exactly does one destroy life in order to save it? Where is the committee transcript that reveals to the majority of Members not on the committee the ethical questions that we and every family should be addressing concerning the proprietary nature of the DNA in any embryonic cell?

We go to great lengths as a Congress to protect intellectual property rights, as our Constitution requires. After all, this Nation provides for patents for computer software, for medical devices, for seed corn genomes; and yet we provide no protection for the DNA of a human embryo? Whose DNA will be bequeathed to the future and whose will not?

How do we evaluate this bill when so much is missing? How do we evaluate which embryos should be allowed to be sent to research and how many to be adopted by infertile couples so those embryos can be developed into full human beings? Who will decide? Is it just a matter for the individual couple, or is there a larger, societal responsibility to protect life?

The woman whose eggs are being taken, how is she legally protected? How is her husband or mate legally protected in this relationship? And what are the rights of the embryo? Where is the hearing record that informs us how to carefully manage any transfer of human embryos to research so their essential worth is recognized?

We are told that the ethical requirements section of the bill will suffice, yet this section is but 156 words long. It directs that NIH will issue final guidelines within 60 days of passage of this bill. Sixty days? That is not even enough time to grow a tomato plant. I ask, is this realistic? And further, who will influence NIH without more congressional guidance?

Mr. Speaker, there is a lot of money to be made in this new field of life science. I think Congress should know who is likely to be making it, especially when Federal funding becomes involved. Which biogenetic and pharmaceutical firms stand to benefit the most from moving this bill forward? Exactly who are they? Which immunosuppressant drug companies? Do we as Members of Congress not have a right to know something more from the nonexistent transcript from the committee?

I find it most coincidental that last week the South Koreans doing research in this arena announced that they had cloned cells, making it appear as

though, if Congress did not act today, America would fall behind in the world research community. I found the timing of that announcement just all too convenient and asked myself, which companies were behind it?

In my opinion, the subcommittee and committees of jurisdiction have not met their responsibilities to this Congress, by abdicating their hearing responsibility. All we have are documents from outside proponents and opponents, and frankly, that is not good enough. Where is the hearing record to which all Members can refer which recounts the struggles of proponents and opponents with the ethical requirements that should be a part of this bill, and not merely leave it up to the National Institutes of Health?

On a matter of such magnitude, where some human embryos will be destroyed in the hope that new cures are made possible, the Congress needs to be more responsible.

I ask my colleagues to vote ''no'' on the DeGette-Castle bill and remand it back to committee.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). The Chair would remind all Members to refrain from using audio devices during debate.

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

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from New Hampshire (Mr. BASS), a member of the committee.

Mr. CASTLE. Mr. Speaker, I yield 30 seconds to the gentleman from New Hampshire.

The SPEAKER pro tempore. The gentleman from New Hampshire (Mr. BASS) is recognized for 2½ minutes.

Mr. BASS. Mr. Speaker, a ''yes'' vote today is a vote for progress, for reason and for sound research.

Mr. Speaker, it is conservative to conserve, and this bill utilizes stem cells that have already been discarded, discarded because in most cases those who undergo in-vitro fertilization have excess fertilized cells available. Their only choice today has been for freezer storage, putting them up for adoption or discarding them, yes, into hospital medical waste.

Now we will add a fourth option, and that is to allow these embryos to be used for scientific research, to find cures for diseases that have afflicted Americans, a large portion of Americans, that threaten the lives of young people. This is not about life, this is about saving life, and it is important that the Congress make this statement for a brighter future for many, many Americans.

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

Mr. BASS. I yield to the gentleman from Iowa.

Mr. LEACH. Mr. Speaker, we do not know yet, but the possibility is very real that stem cell research may be the greatest breakthrough in the history of science. There are deep and profound moral and philosophic issues surrounding the research, but our government should be very cautious about coming down on the wrong side of science, especially when the scientific endeavor is designed to lengthen and ennoble life.

It has been suggested here today that no breakthrough therapies have yet been developed with stem cell research. This is simply not the case. Using, for example, the microenvironment of human embryonic stem cells, Dr. Mary Hendricks and her team of researchers at Chicago's Memorial Research Center have developed a methodology to slow the aggressive properties of metastatic cancer cells. How in heaven's name can we deny the promise of such research?

There is consensus at this time in this body and in the research community that scientists should not play God in attempting to clone human beings, but we are at a stage of human existence where there is a practical possibility that a blastocyst that would otherwise be thrown away as waste can, in a petri dish, be used to help solve these incredible diseases, from Alzheimer's to Parkinson's to diabetes to cancer.

If one believes that life matters, the balance of judgment should be to carefully open the door, as this bill, led so beautifully by my good friends the gentleman from Delaware (Mr. CASTLE) and the gentlewoman from Colorado (Ms. DEGETTE), does. Not to open the door is to put our heads in the sands and foreclose the prospect of a better life for many, many Americans.

Ms. DEGETTE. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New York (Ms. SLAUGHTER) for the purpose of making a unanimous-consent request.

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

Ms. SLAUGHTER. Mr. Speaker, I rise in strong support of the Castle-DeGette amendment. I have a friend who is alive today because of stem cell research and injections that he has had. He would love to have been here today to tell you about it. He is in the bloom of health.

Mr. Speaker, a couple of years ago, a very close, longtime personal friend of mine, John McCaffery, was diagnosed with lymphatic leukemia. He underwent radiation and chemotherapy treatments. But he remained critically ill. His doctor suggested that he have a stem cell transplant.

John was fortunate enough that his brother proved to be a match. After causing John's brother to overproduce stem cells, doctors at Strong Memorial Hospital in Rochester, removed the excess stem cells and put them in John. Unlike a painful, complicated bone marrow transplant, John received his stem cell transplant via an IV.

Without advancements over the years in stem cell research, John would not have had the option for a stem cell transplant. Rather, he would have had to continue with chemotherapy treatment until the cancerous cells eventually took over his body and he died.

Mr. Speaker, stem cell research saved John's life. And, I am very happy to report that today, John is once again leading a healthy, productive life.

The U.S. has the finest research scientists in the world, but we are falling far behind other countries, like South Korea and Singapore, that are moving forward with embryonic stem cell research. Adult stem cells from umbilical cord blood will likely lead to treatments for some diseases. But this must complement, not substitute, scientific research on embryonic stem cells—which is much more promising and will yield to advancements in the prevention and treatment of almost every disease American families face. The United States must be on the cutting edge of this important research. We have a responsibility to promote stem cell research which could lead to treatments and cures for diseases affecting millions of Americans.

Without question, the U.S. should set high standards for moral and ethical use of stem cells. But how can we do this, if we are not actively involved in the research?

Mr. Speaker, John is one person whose life was saved by stem cells. There will be thousands and one day, millions more lives saved if we do the right thing today. I urge all my colleagues to support both adult and embryonic stem cell research by supporting the Stem Cell Therapeutic and Research Act and the Stem Cell Research Enhancement Act.

Ms. DEGETTE. Mr. Speaker, I am delighted to yield 4 minutes to the gentleman from Maryland (Mr. HOYER), the distinguished Democratic whip.

Mr. HOYER. Mr. Speaker, I thank the gentlewoman for yielding and want to congratulate the gentleman from Delaware (Mr. CASTLE) and the gentlewoman from Colorado (Ms. DEGETTE) for her leadership and his leadership on this bill. This is, I think, one of the most important bills that we will consider for the welfare of people not only in this country, but throughout the world.

Mr. Speaker, let us be very clear about what this bipartisan, moderate bill would do and not do. This legislation, which has 200-plus cosponsors from both sides of the aisle, would not permit Federal funding for cloning; it would not permit Federal funding to create embryos, nor would it permit Federal funding to destroy embryos.

This important legislation simply expands the current Federal policy of allowing Federal funding for research on stem cell lines derived after the arbitrary date of August 9, 2001, from embryos created for fertility treatment that would otherwise be discarded.

Recall that on that date, President Bush announced that Federal funds would be available to support research on human embryo stem cells so long as such research was limited to existing stem cell lines. At the time it was believed that 78 stem cell lines were eligible. Yet today, as we know, only 22 such lines are available for research, and these lines are aged, contaminated or developed with outdated research. Meanwhile, there are at least 125 new stem cell lines with substantial potential that federally funded researchers cannot use.

Thus, Mr. Speaker, I believe the issue before this House today is this: Will we foster embryonic stem cell research, research that holds great promise for the potential treatment or cure of diseases such as ALS, Lou Gehrig's disease, Alzheimer's, Parkinson's, and other diseases, and offer hope to those with spinal cord injury and other injuries of the nervous system, or will we stand in the way?

I know that the opponents of this bill believe that we are ignoring the ethical and moral implications of such research. I do not share that view. But, in fact, this legislation requires the Department of Health and Human Services and the National Institutes of Health to issue guidelines for ethical considerations; it requires a determination that the embryos would never have been implanted and would have been discarded; and it requires the donor's written, informed consent.

Mr. Speaker, I realize this is a difficult issue for many. It is, however, I think, an issue that the American people have made a judgment on. It is an issue which they, I think, overwhelmingly support. The polls seem to reflect that at least 60 percent of the Americans asked the question support this important effort. They believe it holds promise for them, for their spouses, for their children.

We have talked much about life on this floor. It is important that we do so. It is important that we do so in a thoughtful and principled way.

I believe that this moderate, well-thought-out, carefully constructed bill takes a step that America expects us to take. This is the People's House. I believe the people would have us pass this legislation, and I urge my colleagues to vote accordingly.

Mr. DELAY. Mr. Speaker, I yield 2½ minutes to the gentleman from Maryland (Mr. AKIN).

Mr. STUPAK. Mr. Speaker, I yield 1 minute to the gentleman from Maryland.

The SPEAKER pro tempore. The gentleman from Maryland is recognized for 3½ minutes.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, will the gentleman yield?

Mr. AKIN. I yield to the gentleman from California.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, just in response to what was said on the floor, this is a statement that has appeared on the floor, and also in print, which says that the bill before us prohibits Federal funding used for the destruction of embryos.

By its very definition, it requires the destruction of embryos when it does the research. That ought to be very clear. The process talked about requires the destruction of embryos.

Mr. AKIN. Mr. Speaker, reclaiming my time, I rise today to oppose public funding for the destruction of human embryos.

□ 1445

There is actually a very simple reason for that, and that is because you and I were once embryos.

Now, an embryo may seem like some scientific or laboratory term, but, in fact, the embryo contains the unique information that defines a person. All you add is food and climate control and some time, and the embryo becomes you or me.

Now, there are people who want to use public money to destroy embryos, and they talk about this bill as being a good first step. What happens if we run the clock to step two or step three?

My own daughter wrote a little story, and I will read it, about step three: ''I lived with 40 others in a compound supervised by cool, efficient orderlies. Instead of playing, I stood pondering a troubling dream from the night before. It was of a loving father giving his child a name. I have always been just 52561B.

''I started imagining what it would be like to be named when the lab technician called me down the sterile white hall to my monthly checkup. I was given the usual clear injection and scanned. The medic flipped through the images which showed my organs and wrote, 'healthy, still usable' across the file.

''Several weeks later, I heard footsteps outside my cell and low voices. The door unlocked and I was led again into the clinic and placed on the stainless table, but the injection this time was amber colored and I immediately sensed that something was wrong. Numbness started spreading across my body, great agony, no breathing, and the table was lifted and I slid down a chute into a large, steel box with waste paper and garbage from the lunch room.

''My body now thrashed uncontrollably, but as everything grew dark, there was a bright figure who seemed to protect me. He looked at me with such love and said, 'I have given you the name Tesia, which means ''Loved of God.'' '

''I awoke to see a wrinkled face with twinkling dark eyes framed by white hair. He must have seen my questioning expression. He explained, 'You were a clone being held as a source for body parts, but when a recipient dies, the clone is considered useless and is given a lethal injection. I managed to get to you before the poison finished its work.'

''I was stunned. After a pause, he said, 'What shall I call you?' At first I was startled until I remembered. I said, 'Tesia.'' '

Mr. Speaker, this building was built by our Founders on pillars, but not just pillars of marble. One pillar was the conviction that God grants life as an inalienable right, and they fought so that pillar would not be toppled by tyrants. And our sons and daughters fight so that pillar will not be toppled by terrorists. We must vote today so that that pillar will not be toppled by technology that is run amok.

Oppose public funding which destroys little you's and me's, and oppose this harvest of destruction.

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

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

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to the gentlewoman from North Carolina (Mrs. MYRICK), who is a member of the Committee on Energy and Commerce.

(Mrs. MYRICK asked and was given permission to revise and extend her remarks.)

Mrs. MYRICK. Mr. Speaker, I rise today in opposition to H.R. 810.

I believe in the transforming and the lifesaving power of research and science, and I have seen firsthand how cutting-edge research can make a big difference in the lives of Americans who suffer with all sorts of diseases, and, I understand the value of federally funded research. I also support stem cell research.

However, this debate is not about the merits of scientific discovery. There is no ban on research for the limited number of IVF embryos on which such research would even be possible. This debate is about Federal tax dollars and whether these dollars should be spent on the destruction of embryos, which I do not support.

Supporters of this bill say we have nothing to lose by destroying existing embryos with Federal money because, after all, some of them will probably be discarded anyway. I would ask my colleagues to recall the reason why we do not conduct scientific research on Federal death row inmates.

Aren't they going to die anyway? By all accounts, death row inmates are not innocent lives—but we don't conduct destructive experiments on them because it would be ethically reprehensible. We certainly don't dedicate taxpayer funds for that purpose.

Those who've studied the implications of an embryonic stem cell research expansion know full well that Federal funding for the destruction of existing IVF embryos is no silver bullet for disease treatment. But that's how the bill will be sold on the floor today. H.R. 810 is merely the first step in an effort to spend federal money—not only on the destruction, but on the creation of cloned embryos for research. I ask my colleagues to join me in opposing this bill.

Ms. DEGETTE. Mr. Speaker, I am very pleased to yield 2½ minutes to the gentleman from Illinois (Mr. EVANS).

Mr. EVANS. Mr. Speaker, I rise in support of H.R. 810 because we need to support studying every kind of stem cell, from cord blood to adult to embryonic.

Parkinson's disease affects over 1 million Americans, and I am one of them. Many people think that this is a disease that mostly affects older citizens. That is not true. I was diagnosed when I was in my mid-40s and Michael J. Fox, for example, was much younger than that.

Parkinson's does not keep me from doing the things that are important to

my life and my work, but Parkinson's does affect me every day of my life. There are good days and bad days, but there is still a need for research and for a cure.

Parkinson's has been said to be the most curable disease that is yet to be cured. Scientists believe a cure is on the horizon within the next 5 to 10 years. They also believe that the advances in Parkinson's research will lead to accelerated cures for other illnesses such as Alzheimer's.

Only embryonic stem cells hold enormous potential in order to treat these patients. Doctors treating patients with disease or injury may feel compelled to ease the suffering by taking every ethical avenue possible to find treatments and cures. These doctors are among some of the most talented, dedicated, and well-respected doctors in this country.

Today we decide whether to free these scientists or to hold them captive. We will decide whether those suffering from Parkinson's, diabetes, spinal cord injuries, and others will have the greatest potential for cures, or whether they will just simply sit on the bench.

Mr. Speaker, I do not think that is the right message to send patients and doctors.

The American people agree. Poll after poll has shown that a wider majority of Americans support ethical embryonic stem cell research. The majority of Bush supporters, for example, have voted to support this research. Over 90 patient organizations, scientific and medical societies, and universities also support this research. Some think this research has given false hope to patients like me. But the science is moving forward and, with our help, will go even further.

This is really an exciting day for me, Mr. Speaker. I appreciate everyone who has helped us.

Mr. DELAY. Mr. Speaker, I yield 1 minute to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. Mr. Speaker, as stewards of hard-working Americans' tax dollars, we cannot ask our constituents to fund the killing of human embryos.

Like the rest of my colleagues joining me today, I am strongly in support of scientific research to save and improve human life. But to fund Federal research on stem cells derived from killing human embryos is unethical and irresponsible.

While stem cell research has never been prohibited in the private sector, President Bush permitted the usage of embryonic stem cell lines sufficient for extensive government-funded research nearly 4 years ago. In these 4 years, government and private research on those stem cells have produced nothing, cured no one; and there is no indication that that will change.

In the meantime, ethical research not derived from embryos in the public and private sectors has helped cure almost 60 diseases. The private sector has proven the superiority and promise of cord blood in adult stem cell research by choosing to fund those areas. Let us learn from their example and not squander taxpayer dollars on unethical research.

Mr. Speaker, we do have the power of the purse, and we cannot misuse it by funding the slaughter of human life.

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

Mr. CASTLE. Mr. Speaker, I yield 1 minute to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Speaker, I thank the chairman for yielding me this time.

Mr. Speaker, I rise in strong support of H.R. 810. Science has advanced rapidly since the President announced his stem cell research policy. These cells were just identified less than 10 years ago and, already, the technology is progressing by leaps and bounds. The 22 lines currently available under the President's policy were developed using outdated techniques and have been contaminated, possibly skewing the outcome of experiments.

Given the promise that stem cells hold, it is time to drop the limit on current stem cell lines and allow researchers to do what they do best. It is tragic to let these cells go to waste when they could help to relieve so much suffering. It is time to let researchers go where the science leads them, not where politicians dictate.

In order to explore all of the possibilities, scientists must have access to all three kinds of stem cells: adult, embryonic, and those from the umbilical cord blood. That is why I plan to vote for H.R. 810 and the Smith bill as well. The two are not in opposition; they are complementary.

Mr. Speaker, I am proud to support H.R. 810 and for the sake of the millions suffering from diseases, I ask my colleagues to do the same.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from the great State of Missouri, the Show Me State (Mr. BLUNT), the distinguished majority whip.

Mr. BLUNT. Mr. Speaker, I thank the chairman for yielding me this time and for his leadership and the leadership of others on this debate today.

This debate is defined in so many ways by the conscience of each Member; and as each Member comes to the floor, as each Member speaks, I think my colleagues can see that this debate uniquely is based on their own view of this and their deeply founded view of this.

In fact, the whip's office is not real busy today, because we are not whipping this vote. I do not think my friends on the other side are whipping this vote either. Why would that be? Why would we have a vote on a bill like this that, based on the debate, is so important that we would not be trying to persuade Members? Because we feel on both sides of this aisle, apparently, today that this is a matter of real conscience. This is a matter where people can deeply disagree. This is a matter about the very definition of life itself.

Because of that, I am firmly on the side of those who believe it is not time yet to federally fund this particular kind of research. There is private sector funding available. Some States like the State of California recently decided they would fund this in a significant way. Other States have decided they would totally outlaw research. So this is clearly an issue where the country is divided.

The ethics of this issue, as the gentlewoman from Ohio (Ms. KAPTUR) suggested earlier, are not as clear as they should be. The future ownership and use of this research is not as clear as it needs to be. The first principle of bioethics should be: first, do no harm. We are not at the point in this issue where we can firmly say we are not doing harm. We are at the point when we can say that all of those concerns that this research is not possible if we do not fund it with Federal funding are just not right. This research is possible. I do not agree with it myself, but I particularly do not agree that we should take the tax money of millions and millions of taxpayers who believe this is absolutely wrong and pay for this research in that way.

I urge a ''no'' vote on this bill, Mr. Speaker.

Ms. DEGETTE. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Missouri (Mr. CARNAHAN).

Mr. CARNAHAN. Mr. Speaker, I want to thank the gentleman from Delaware (Mr. CASTLE) and the gentlewoman from Colorado (Ms. DEGETTE) for their leadership on this issue.

Like millions of American families, my own has been impacted by the loss of loved ones with debilitating diseases. My grandmother, Alvana Carpenter, died of cancer, and my first cousin Betty Stolz, to MS. We lost them too soon. That is one of the reasons I have joined this unparalleled and growing bipartisan coalition to cosponsor H.R. 810, along with over 200 Democrats and Republicans in this House. People from the Show Me State were polled not too long ago, and three-fourths of them were in support of this research continuing. Just like polls around the country, when Nancy Reagan called to lift the Bush administration ban on this research in 2004, three-fourths of Americans have come to the support of this cause.

There is great promise in this research. Since its isolation of the embryonic stem cell in 1998, research has made dramatic progress in the U.S. We cannot and we must not abandon our leadership role in the scientific community and in establishing strong ethical standards for this research, which are incorporated in this bill.

□ 1500

I also became involved in this debate because of the extraordinary citizens that have come to advocate on its behalf, advocates like Bernie Frank, an

accomplished St. Louisian who has volunteered for the Parkinson's Action Network; advocates like Dr. Huskey from Washington University, who suffers with MS and continues her advocacy; advocates like Rabbi Susan Talve and her young daughter, Adina, who suffers from a congenital heart defect. Early stem cell research shows the potential to discover ways to grow new heart muscle cells.

Mr. Speaker, the promise of stem cell research is real. Science, not politics, should determine the future of this vital research.

We stand here with the tools in our hands to ease the pain and suffering of so many across the country and around the world. To forgo potential life-saving cures is simply unacceptable and unconscionable.

Mr. DELAY. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. WELDON), who has graduated with honors, is a physician in internal medicine, and also has degrees in biochemistry.

Mr. WELDON of Florida. Mr. Speaker, as most of my colleagues know, I practice general internal medicine and I still do it. I have treated a lot of patients with diabetes, Parkinson's; indeed, my father died of complications of diabetes. My uncle, his brother, died of complications of Parkinson's disease.

Let us just talk a little bit about how we got here, okay? This body voted years ago, no Federal funding for research that involves the destruction of a human embryo. And President Clinton, towards the tail end of his administration, did an end run around the congressional prohibition, and they were having outside labs destroy the embryos, get the embryonic stem cells and send them over to NIH. And I sent the President a letter telling him, You are violating the spirit of the law, if not the letter of the law.

When President Bush became President, a lot of us alerted him to this problem, and he came out with his policy. And I thought it was really like a Solomon-like compromise. He said, We will not allow any more Federal funds to be used that involve the killing of human embryos, but we will allow research to proceed on the existing cell lines.

And I sit on the committee that funds this. We have funded this research to the tune of $60 million over the last 3 years, embryonic stem cell research, what you are asking for more of. And the only place that I can find the research results printed is, I have to go to the rat-and-mouse journals. And the results are bad. These things tend to form tumors. The plasticity that some of you extol in these embryonic stem cells make them genetically unstable. They tend to form tumors. We call them teratomas in the medical profession. They grow hair and they grow teeth. They are genetically unstable.

Meanwhile, on the adult stem cell line it is breakthrough after breakthrough after breakthrough. Indeed, the gentlewoman from Colorado said in her opening statement, there is no, no scientific evidence that will show that cord blood or adult stem cells will cure Alzheimer's, Parkinson's or Type 1 diabetes.

Parkinson's disease was successfully treated 6 years ago in Dennis Turner using an adult stem cell. He had an 80 percent reduction in his symptoms. This was described at the American Association of Neurological Surgeons annual meeting in April of 2002.

In 2003, Science-published Harvard researchers announced they had achieved a permanent reversal of diabetes in mice. This is now under human clinical trials today, while we speak. By the way, they tried to repeat that study using embryonic, mouse embryonic stem cells and it failed. And this lady was in a wheelchair and she can now stand up with adult stem cells.

We do not need this bill. It is ethically wrong. We should be voting ''no.''

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

Mr. CASTLE. Mr. Speaker, I reserve the balance of our time.

Mr. BARTON of Texas. Mr. Speaker, I am prepared to recognize the gentleman from Pennsylvania (Mr. PITTS) if the gentleman from Texas (Mr. DELAY) also wants to recognize him at this time. I yield him 1 minute.

Mr. DELAY. Mr. Speaker, I yield the gentleman 2 minutes.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Pennsylvania (Mr. PITTS) is recognized for 3 minutes.

Mr. PITTS. Mr. Speaker, we are all different. We are all different because we each have our own DNA. The ordering of genes in our body makes us unique. We have the color of our hair, skin, eyes, teeth, because of DNA. And each person has his or her own set of DNA, and that makes us each unique. Each and every person is valuable.

I am a supporter of ethical stem cell research, Mr. Speaker. I do not support the dissecting and destruction of living human embryos to harvest stem cells for the purpose of experimentation and research, and that is because each of these living human embryos has its own genetic makeup, its own DNA.

It is not animal DNA. It is not plant DNA. It is human genetic code, human DNA. The stuff that sets each person apart is there in this tiny little life that H.R. 810 would destroy. Each unique and distinct, but frozen.

Early today I met with a man, Steve Johnson, from Reading, Pennsylvania, who is in Washington for this debate. Steve was in a bicycle accident 11 years ago and his bike was replaced with a wheelchair, and today Steve is a paraplegic. And he has heard the promises made that embryonic stem cell research might help him walk again. For Steve, though, that is unacceptable. And so Steve and his wife, Kate, adopted a little girl. Here are three little snowflake babies.

He adopted little Zara when she was just a frozen embryo, stored at an IVF clinic. She was a leftover embryo that proponents of this bill would destroy for her cells. If someone had dissected her for embryonic stem cell research, she would not be here today. But she is here today with 21 other little snowflake children. Steve would not have his daughter because scientists want a laboratory experiment.

Zara is living proof that advocates of H.R. 810 are wrong on this issue. What they do not admit is that Steve Johnson's paralysis is more likely to be reversed using adult stem cells. How do we know that? Because recently, we learned that cells taken from a person's nose, olfactory cells, are helping people walk again. Cells taken from cord blood are helping people walk again, today.

Embryonic stem cells, no, not helping people walk again. They might say there is hope. There is no proof.

I would like to challenge the other side to put up in front of a camera one person treated for spinal cord injury with embryonic stem cells. You cannot, can you? We can. Hwang Mi-Soon, Susan Fajt.

How about Parkinson's? You cannot. We can. Dennis Turner. How about cancer? Leukemia? Sickle cell? You cannot.

Adult stem cells are treating human patients today for the very diseases that the proponents of this bill claim might hopefully one day be treated through the destruction of living human embryos.

The human being is in all stages of development, or disability, uniquely distinct and infinitely valuable.

House Resolution 810 is a tragic betrayal of that value.

Ms. DEGETTE. Mr. Speaker, before yielding to the gentlewoman from New York (Mrs. LOWEY), I would just yield a minute to myself to respond to a couple of comments.

First of all, there is a misconception here. Under the Castle/DeGette bill, no public funds are used for embryo destruction. Current law precludes that and we keep that under our bill.

Secondly, we are not spending $60 million through the NIH through embryonic stem cell research. Last year it was really $25 million, and the reason is because the President's policy, issued in August of 2001, has not worked. Instead of 80 or 90 stem cell lines, we only had around 19 to 22 stem cell lines. And of those lines, all of them were contaminated with mouse ''feeder'' cells, and many of them were not available to researchers here in country. That is why we have to ethically expand embryonic stem cell research.

Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. LOWEY).

(Mrs. LOWEY asked and was given permission to revise and extend her remarks.)

Mrs. LOWEY. Mr. Speaker, I am proud to be a cosponsor of H.R. 810, and

I rise in strong support of this critical legislation.

My colleagues, what an extraordinary moment we have before us. Embryonic stem cells have the potential not just to treat some of the most devastating diseases and conditions, but to actually cure them. At issue here is the fundamental value of saving lives, a value that we all share regardless of race, culture or religion.

But this promise exists only if researchers have access to the science that holds the most potential, and are free to explore, with appropriate ethical guidelines, medical advances never before imagined possible.

I also sit on the committee that funds the National Institutes of Health with the gentleman from Florida (Mr. WELDON). I am not a scientist, I am not a doctor. But as I sit on that committee and we hear the testimony, one after another, of people who are suffering, who have lost their loved ones, who are on the verge of losing another loved one, look at the 200 major groups who are supporting this legislation. And let us listen to them.

I am proud to be a cosponsor of H.R. 810, and I rise in strong support of this critical legislation.

My colleagues, what an extraordinary moment we have before us. Embryonic stem cells have the potential not just to treat some of the most devastating diseases and conditions, but to actually cure them. At issue here is the fundamental value of saving lives—a value that we all share regardless of race, culture, or religion.

But this promise exists only if researchers have access to the science that holds the most potential, and are free to explore—with appropriate ethical guidelines—medical advances never before imagined possible.

There is no question that scientific advancement often comes with moral uncertainties. We should and have ensured that difficult ethical and social questions are examined and debated before passing this legislation. In my judgment we now have a moral obligation to pursue each opportunity and provide crucial funding, support and oversight for this critical research.

Like many of you, I believe that strong guidelines must be in place with vigorous oversight from the NIH and Congress before allowing federally-funded embryonic stem cell research.

With appropriate guidelines we can ensure that the research with the most promise for medical achievement can be fully realized. While adult stem cells have yielded important discoveries, the evidence from scientists themselves suggests they don't have the same potential as embryonic stem cells.

The legislation before us today would strengthen the standards guiding embryonic stem cell research and would ensure that embryos originally created for the purpose of in vitro fertilization could be made available for research only with the consent of the donor. Let me be clear. This legislation retains the current restrictions on creating human embryos for the purpose of research.

So today I ask my colleagues to be as determined to find a cure as science allows us to be. With the appropriate guidelines in place, we are closer than ever to remarkable discoveries and on the brink of providing hope to millions of individuals who otherwise have none.

I urge my colleagues to vote ''yes'' on H.R. 810.

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

Mr. Speaker, I just have to respond to the comments by the gentlewoman from Colorado (Ms. DEGETTE). She must be reading a different bill. That is what this whole argument is about. The gentlewoman says that no Federal funds can go to destroying an embryo in order to have research. She just said that. That is what this whole bill does is to allow funding of embryonic stem cell research, and in order to do that research, you have to destroy the embryo.

In fact, if the gentlewoman would like, I would be willing to entertain a unanimous consent request that if, indeed, that does not happen in her bill, I will be glad to accept it and I will vote for the bill. That is the whole notion of what is going on here.

It is not true to say that her bill does not allow Federal funding for destruction of embryos.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, I want to thank our chairman, and also thank the leader.

You know, I believe that everybody engaged in this debate today means well, and this is one of those great debates that we have on this floor. It is full of passion. But this is not a debate about passion. It is not a debate about style. This is a debate about substance. And the substance of this debate is life, clear and simple. You know, there is a fact on this, also, I think we ought to look at.

While we do not know where embryonic stem cell research might lead us, we do know that engaging in this form of research would require ending a human life for the purpose of experimentation. And that is something that I do not think any of us want to sanction. And in my opinion, we would be giving away our humanity, our sense of ethics, for the mere hope, the mere hope that this form of research would someday yield results.

Meanwhile, H.R. 810, the bill that is under discussion diverts funds from research that has proven results, from research that does not require us to look the other way while human life is purposely ended.

Adult stem cell research has made great leaps. We have heard about that today. Cord blood research has made great strides. We have heard about that also today. And we hear that by using islet cells from living donors or adult brain cells instead of embryos, there is a potential to cure diabetes.

I think we should all vote ''no'' on H.R. 810. We should stop and look at the substance of the debate.

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

Mr. CASTLE. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. RAMSTAD).

Mr. RAMSTAD. Mr. Speaker, critics of embryonic stem cell research maintain that it is wrong to promote science which destroys life in order to save life. As the leading prolife legislator in Washington, Senator ORRIN HATCH put it, since when does human life begin in a petri dish in a refrigerator?

To reduce this issue to an abortion issue is a horrible injustice to 100 million Americans suffering the ravages of diabetes, spinal cord paralysis, heart disease, Parkinson's and Alzheimer's disease, cancer, MS, Lou Gehrig's disease and other fatal and debilitating diseases.

I met with researchers from four of the main stem cell institutes in America. As one prominent researcher told me, and I am quoting, ''The real irony of the President's policy is that at least 100,000 surplus frozen embryos could be used to produce stem cells for research to save lives. But instead, these surplus embryos are being thrown into the garbage and treated as medical waste, thrown into the garbage and treated as medical waste.''

□ 1515

Only 22 of the 78 stem cell lines approved by the President remain today.

As another leading researcher said, ''This limit on research has stunted progress on finding cures for a number of fatal and debilitating diseases.''

Mr. Speaker, it is too late for my beloved mother who was totally debilitated by Alzheimer's disease which killed her. It is too late for my cousin who died a tragic, cruel death from juvenile diabetes while still in his 20s; but it is not too late for the 100 million other American people counting on us to support funding for life-saving research on embryonic stem cells.

Let us not turn our backs on these people. Let us not take away their hope. Let us listen to respected pro-life colleagues and friends like ORRIN HATCH, former Senator Connie Mack, former Health and Human Services Secretary Tommy Thompson when they tell us this is not an abortion issue. We should support embryonic stem cell research.

Mr. Speaker, critics of embryonic stem cell research maintain it is wrong to "promote science which destroys life in order to save life."

As the leading pro-life legislator in Washington, Sen. ORRIN HATCH put it, "Since when does human life begin in a petri dish in a refrigerator?"

To reduce this issue to an abortion issue is a horrible injustice to 100 million Americans suffering the ravages of diabetes, spinal cord paralysis, heart disease, Parkinson's and Alzheimer's disease, cancer, multiple sclerosis, Lou Gehrig's disease and other fatal, debilitating diseases.

I have met with medical researchers from the University of Minnesota Stem Cell Institute, the Mayo Clinic, the National Institutes of

Health and Johns Hopkins University. As one prominent researcher told me, "The real irony of the President's policy is that at least 100,000 surplus frozen embryos could be used to produce stem cells for research to save lives. Instead, these surplus embryos are being thrown into the garbage and treated as medical waste."

Only 22 of the 78 stem cell lines approved by the President in 2001 remain today. As another leading medical researcher said, "This limit on research has stunted progress on finding cures for a number of debilitating and fatal diseases."

Mr. Speaker, the scientific evidence is overwhelming that embryonic stem cells have great potential to regenerate specific types of human tissues, offering hope for millions of Americans suffering from debilitating diseases.

Mr. Speaker, it's too late for my beloved mother who was totally debilitated by Alzheimer's disease which led to her death. It's too late for my cousin who died a cruel, tragic death from diabetes in his 20's.

But it's not too late for 100 million other American people counting on us to support funding for life-saving research on stem cells derived from donated surplus embryos created through in vitro fertilization.

Let's not turn our backs on these people. Let's not take away their hope. Let's listen to respected pro-life colleagues and friends like Senator ORRIN HATCH, former Senator Connie Mack and former HHS Secretary Tommy Thompson when they tell us this is not an abortion issue.

Let's make it clear that abortion politics should not determine this critical vote.

Embryonic stem cell research will prolong life, improve life and give hope for life to millions of people.

I urge members to support funding for life-saving and life-enhancing embryonic stem cell research.

The American people deserve nothing less.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules.

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

Mr. DREIER. Mr. Speaker, in 1999 young Tessa Wick was diagnosed with juvenile diabetes. She began the laborious process which changed her life and she dedicated herself to doing everything that she possibly could to ensure that no one would have to suffer as she has.

During that period of time, she has worked to raise large sums of money. She has testified before the United States Senate, and last Friday her father told me that she said to him not a lot has been accomplished yet. We have not yet found a cure. And her father said to me that we need to do everything that we possibly can to ensure that we do find a cure. We are all supportive of umbilical cord research, but I believe that it is proper for us to pursue embryonic stem cell research, Mr. Speaker.

In a week and a half, we mark the first anniversary of Ronald Reagan's passing. Everyone knows how passionately Nancy Reagan feels about the need for us to pursue this research. I believe it is the appropriate thing to do.

Now, there are no guarantees. We all know there are no guarantees at all, but passage of this legislation does provide an opportunity for hope, hope that we will be able to turn the corner on these debilitating diseases from which so many people suffer. And so I hope very much that we can pursue a bipartisan approach to this important measure. And while I am concerned that there is disagreement with the President of the United States, I hope that we will be able to, at the end of the day, work out a bipartisan agreement that will include the President of the United States in this effort.

Ms. DEGETTE. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. KIND).

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

Mr. KIND. Mr. Speaker, I rise in strong support of this legislation. And just to be clear once again during this debate, this bill limits the use of only those embryos that will be discarded or destroyed from in vitro fertilization clinics with the consent of the donors.

I rise in support of this legislation not because it promises cures for diabetes, Parkinson's, spinal cord injuries, Alzheimer's, but because it gives us yet another opportunity to discover cures for these ailments. Adult stem cell research, yes, let us do it. Cord blood research, absolutely. But let us also allow the Federal Government to get more involved in embryonic stem cell research.

The University of Wisconsin has been at the forefront of this research; yet our researchers are being held back because of current Federal policy. We are already falling behind the rest of the world in this research in light of South Korea's recent announcement last week. But it is precisely because the other countries are moving forward that makes our involvement all the more necessary. I believe that we as the leader of the Free World must provide important leadership on the ethical parameters, the ethical constraints that this research requires.

Support this bipartisan bill.

Mr. DELAY. Mr. Speaker, how much time remains on all sides?

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Texas (Mr. BARTON) has 7½ minutes. The gentlewoman from Colorado (Ms. DEGETTE) has 34 minutes. The majority leader, the gentleman from Texas (Mr. DELAY), has 27 minutes. The gentleman from Michigan (Mr. STUPAK) has 17 minutes. The gentleman from Delaware (Mr. CASTLE) has 12½ minutes.

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

Mr. Speaker, I just wanted to point out that it has been said that there are 100,000 embryos available for research. I guess they want to add another portion to their bill requiring parents to give their embryos up for research because at the present time there are only 2.8 percent of the parents that have allowed or have designated their embryos to be used for research. That means there are only 11,000 available for this research.

Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. SMITH).

Mr. STUPAK. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, make no mistake about it, I support aggressive stem cell research and the judicious application of stem cells to mitigate and to cure disease. That is why I sponsored the Stem Cell Therapeutic Research Act of 2005 and I have been pushing it for almost 3 years. That is why those of us who oppose H.R. 810 strongly support pouring millions of dollars into Federal funds to support ethical stem cell research to find cures, to alleviate suffering, to inspire well-founded hope and to do it all in a way that respects the dignity and sanctity of human life.

I strongly oppose the Castle bill, however, because it will use Federal funds to facilitate the killing of perfectly healthy human embryos to derive their stem cells. Human embryos do have inherent value, Mr. Speaker. They are not commodities or things or just tissue. Human embryos are human lives at their most vulnerable beginning stages, and they deserve respect.

Parents of human embryos are custodians of those young ones. They are not owners of human property, and the public policy we craft should ensure that the best interests of newly created human life is protected and preserved.

The Castle bill embraces the misinformed notion that there is such a thing as left-over embryos, a grossly misleading and dehumanizing term in and of itself, that they are just going to be destroyed and thrown away and poured down the drain. That is simply not true.

The cryogenically frozen male and female embryos that the genetic parents may feel are no longer needed for implanting in the genetic mother are of infinite value to an adoptive mother who may be sterile or otherwise unable to have a baby.

Mr. Speaker, just one adoption initiative, the Snowflakes Embryo Adoption Program, has facilitated the adoption of 96 formerly frozen embryos with more adoptions in the works. I have met some of those kids. They are not leftovers, even though they lived in a frozen orphanage, perhaps many of them for years. They are just as human and alive and full of promise as other children. Let them be adopted, not killed and experimented on. They are not throwaways.

Mr. STUPAK. Mr. Speaker, I yield 4 minutes to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Speaker, the issue of embryonic stem cell research places humanity on the frontier of medical science and at the outer edge of moral theology.

On the side of science there is much hope, even expectation that extraordinarily effective therapies will be developed due to a wide range of maladies from diabetes to Parkinson's, spinal cord injury and a host of others. Progress has been achieved in the laboratory in animal studies and in human application. Much has yet to be learned, however, about adverse outcomes, which is why scientists proceed cautiously without overpromising and with respect for moral considerations of their research.

The latter gives me the greatest pause. An editorial in America Magazine said it well: ''The debate over embryonic stem cell research cannot be fully resolved because it is ignited by irreconcilable views of what reverence for life requires.''

Let us recall Louise Brown, the first test tube baby. Her life began as a single cell, fertilized egg, in vitro. There are many leftover potential Louise Browns, potential human beings as cryogenic embryos conceived in the laboratory. Are they to be discarded or, can they be ethically used for stem cell research? That is the moral theology issue that we must resolve.

I cannot get over the reality that human life is created in creating an embryo, whether in vitro or whether in utero. Each of us has to decide the morality of this unique aspect of the issue. But I cannot get over the moral theology underpinning of this extraordinary research on the frontier of science that we are tinkering with human life. And we must not tinker further. We know not where we head. It is between God and us. Let us resolve any uncertainty in favor of life.

Mr. CASTLE. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. BOEHLERT), the chairman of the Committee on Science.

Mr. BOEHLERT. Mr. Speaker, every invention, each new scientific concept, every technical advance in the history of mankind has been challenged and analyzed and debated, and properly so. Change makes us uncomfortable, forces us to design new paradigms; but in the final analysis, it is man's fundamental obligation to use science for the betterment of mankind.

In this instance, we are called upon to heal diseases that have plagued and bewildered us for centuries. It would be unconscionable and irresponsible should we fail to live up to our obligation in this critical matter.

The moral and ethical question is this, do we destroy embryos, simply discard them, embryos that will never be implanted in a womb but which can advance stem cell research to cure historic illnesses?

The answer is, no, we should move forward with important scientific research, forward movement which will be enhanced in a measured way by passage of the measure before us.

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. STEARNS), the distinguished subcommittee chairman of the Committee on Energy and Commerce.

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

Mr. STEARNS. Mr. Speaker, I rise in opposition to H.R. 810, which I believe promotes human embryonic stem cell research at taxpayers' expense.

Now, we have already spent $60 million. The gentlewoman from Colorado (Ms. DEGETTE) says, no, it is not $60 million; it is $25 million. But we have spent a lot of money, and I think $60 million is the right number.

The gentlewoman says no government taxpayers; money will be used. Once a human stem cell is destroyed, who pays for the research thereafter? The U.S. Government does. The taxpayers do.

I remind my colleagues that despite all this money, embryonic stem cell research has not resulted in any documented success whatsoever as compared to the astounding success of adult stem cells.

The gentleman from Florida (Mr. WELDON) pointed out he could not even find any success. He had to go to some obscure manuals publications to find notice of even the experiments. I also notice that there is no CBO estimate on this legislation H.R. 810. How much will this bill cost? We do not know.

I urge my colleagues to vote against this bill.

Nearly 4 years ago, in August 2001, President Bush announced his Executive order limiting Federal funding to studies on existing cell lines.

Mr. Speaker, the debate we are having today is about slippery-slope fears come tragically true. But the slope can get far more steep from here.

Just last week, it was reported that scientists in South Korea created scores of cloned human embryos that they then destroyed to produce 11 stem cell lines. The age of cloning is upon us.

Also recently in the news is the creation of man-animal hybrids, or chimeras, using animal sperm and human eggs, or human sperm and animal eggs.

The apocalyptic creations are the inevitable result of what happens when Man and government believes it can foster good medical ends from ethically dubious means.

It is bad enough that our government allows embryonic stem cell research, or that we have not yet outlawed cloning. The least that we can do is prevent the further spending of taxpayer dollars on these ill-advised experiments.

Mr. Speaker, had either, or both, of the respective stem cell research bills appearing before us for debate and been ruled amendable, I had intended to offer an amendment regarding another alternative to embryonic stem cell research: stem cells from teeth.

Another promising field of stem cell research comes from our very teeth: stem cells from human exfoliated deciduous teeth, SHED, aka ''baby'' teeth. Last week a constituent of mine, Marc W. Heft, DMD, PhD, Professor and Interim Chair, Department of Oral and Maxillofacial and Diagnostic Sciences of the College of Dentistry at the University of Florida, pointed this out to me. The intramural program of the National Institute of Dental and Craniofacial Research, IDCR, of the National Institutes of Health, NIH, has been a leader in this exciting line of research. On April 21, 2003, NIH scientists reported that for the first time, ''baby'' teeth, the temporary teeth children begin losing around their sixth birthday, contain a rich supply of stem cells in their dental pulp. The scientists said that ''this unexpected discovery could have important implications because the stem cells remain alive inside the tooth for a short time after it falls out of a child's mouth, suggesting the cells could be readily harvested for research. According to the scientists, who published their findings online today in the Proceedings of the National Academy of Sciences, the stem cells are unique compared to many ''adult'' stem cells in the body. They are long lived, grow rapidly in culture, and, with careful prompting in the laboratory, have the potential to induce the formation of specialized dentin, bone, and neuronal cells. If followup studies extend these initial findings, the scientists speculate they may have identified an important and easily accessible source of stem cells that possibly could be manipulated to repair damaged teeth, induce the regeneration of bone, and treat neural injury or disease. ''Doctors have successfully harvested stem cells from umbilical cord blood for years,'' said Dr. Songtao Shi, a scientist at NIH's National Institute of Dental and Craniofacial Research, NIDCR, and the senior author on the paper. ''Our finding is similar in some ways, in that the stem cells in the tooth are likely latent remnants of an early developmental process.'' This article is titled, ''SHED: Stem cells from human exfoliated deciduous teeth,'' and the authors are Masako Muira, Stan Gronthos, Mingrui Zhao, Bai Lu, Larry W. Fisher, Pamela Gehron Robey, and Songtao Shi.

In addition to the studies of stem cells from dental pulps of deciduous, ''baby'' teeth, there are ongoing studies of stem cells from the periodontium, the region where teeth connect to bone. July 8, 2004, again, NIH scientists also say these cells have ''tremendous potential'' to regenerate the periodontal ligament, a common target of advanced gum—periodontal—disease. The enthusiasm is based on followup studies, in which the researchers implanted the human adult stem cells into rodents and found most of them had differentiated into a mixture of periodontal ligament—including the specific fiber bundles that attach tooth to bone—and the mineralized tissue called cementum that covers the roots of our teeth.

While most of this work is coming out of the intramural program of NIDCR, Dr. Heft shared with me that two involved extramural scientists are Dr. Mary MacDougall, University of Texas Health Sciences Center at San Antonio—also President of the American Association for Dental Research—and Dr. Paul Krebsbach, University of Michigan.

And so, Mr. Speaker, I suggest that we continue to foster existing, promising, stem cell research that is regenerative, not destructive.

□ 1530

Ms. DEGETTE. Mr. Speaker, I yield 2 minutes to the very distinguished and patient gentleman from California (Mr. STARK).

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

Mr. STARK. Mr. Speaker, I rise in strong support of H.R. 810. Our research policies should be decided by scientists and doctors at the National Institutes of Health and not by Karl Rove and self-appointed religious gurus.

If you believe it is morally superior to discard a single cell in a freezer rather than to use it to help millions of Americans with Parkinson's, Alzheimer's, and diabetes, and you are asked to donate an embryo, then by all means refuse to do so. But do not tell my constituents that we cannot alleviate their suffering because it might offend modern-day Pharisees.

Do not tell my constituent Don Reed and his son Roman, who is paralyzed from a high school football accident, that scientists working on stem cell research in California will not be able to collaborate with the NIH.

Many in government already think they have the right to tell you whom you can marry, what kind of birth control you can use and how you die. Now they think their moral superiority extends to the single cell level. Beyond my outrage at this arrogance, I am saddened by this country's precipitous decline in the estimation of the rest of the world.

If this bill does not pass and scientists of the world meet to discuss this rapidly advancing field, many of our key researchers will be stuck here working with the few stem cell lines that are considered inoffensive.

The Flat Earth Society will tell you that the U.S. has to show moral leadership, and just because the overwhelming majority of the world's scientific community supports research, it does not mean it is the right thing to do.

Frankly, Mr. Speaker, I do not need a lecture from the majority leader on moral and ethical leadership. I do not look to those that will not acknowledge the existence of global warming for scientific and ethical leadership. I do not think the politicians who so eagerly decided they knew what was best for Terry Schiavo know much about life, dignity, or suffering.

I stand proudly with millions of Americans on behalf of this country's tradition of scientific leadership, and I urge a ''yes'' vote for H.R. 810.

Mr. DELAY. Mr. Speaker, I yield 1 minute to the gentleman from Alabama (Mr. ADERHOLT).

Mr. ADERHOLT. Mr. Speaker, I rise today in strong opposition to H.R. 810. This bill, which we have already heard today, would reverse the embryonic stem cell policy instituted by the President of the United States in 2001, and I believe it is very misguided, in my opinion.

I wish to thank the majority leader, the gentleman from Texas (Mr. DELAY), and the gentleman from Florida (Mr. WELDON) for their work on this legislation against H.R. 810. They have already outlined many of the reasons why the bill should be defeated, but I would like to share some additional thoughts.

First, let me say that good people can disagree on this issue. However, what we are discussing today is the Federal funding of the embryonic stem cell. According to the statement of administration policy this morning, the administration strongly opposes passage of H.R. 810. The bill would compel all American taxpayers to pay for research that relies on the intentional destruction of human embryos to obtain stem cells, overturning the President's policy that supports research without promoting ongoing destruction.

There are other vast financial resources available to fund this controversial issue. Therefore, I urge my colleagues to vote against and not allow embryos to be killed for Federal funding research that is ethically and scientifically uncertain.

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

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

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New Jersey (Mr. FERGUSON), a member of the Committee on Energy and Commerce.

Mr. STUPAK. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. FERGUSON).

Mr. FERGUSON. Mr. Speaker, I thank both gentlemen for yielding me this time.

The debate over embryonic stem cell research is important because there are no more important issues that we deal with in this Chamber than when we debate life and death.

Mr. Speaker, as I stand here in this Chamber today, I am a human being. I am a man, an adult man. Sometime before I was a man, I was a teenager. Before that I was a child. And sometime before I was a child, I was a toddler. And before I was a toddler, I was an infant. And sometime before I was an infant, I was a fetus. And sometime before I was a fetus, I was an embryo. I did not look like I do today, but it was me. That embryo was me.

At some point in our history, every single person here was also an embryo. The gentleman from Texas (Mr. DELAY), you were an embryo once. The other gentleman from Texas (Mr. BARTON), the chairman of the committee; yes, sir, you too were an embryo once. The gentleman from Delaware, the sponsor of this bill, you were an embryo once. The gentlewoman from Colorado, you too were an embryo once. The gentleman from Michigan, you were an embryo once. Now, we did not look like we do today, but it did not mean it was not you.

A human embryo is a member of the human family. It has its own unique DNA. It is its own human entity. It is unique. It is irreplaceable, and it is a member of the species Homo sapiens. It is not just a bit of tissue. It is not just, as some have suggested, a couple of cells in a petri dish. It is human and it is alive. It might not look like you or me, but there was a time when you and I looked exactly like that embryo.

Today, we are debating embryonic stem cell research, a type of stem cell research in which a tiny member of the human family must die. That is not just my opinion; that is a scientific fact. The gentlewoman from Colorado would suggest that under this legislation Federal funds would not be used to destroy human life. That is simply false.

Those who conduct human embryonic stem cell research must destroy human life to do so. You cannot conduct embryonic stem cell research without destroying human life, and that is wrong. And it is certainly wrong to fund this unethical embryonic stem cell research using taxpayer money. And that is precisely what this legislation would do. It would use taxpayer money to fund research which destroys human life.

I urge a ''no'' vote.

Ms. DEGETTE. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I want to clarify something. I am actually not sure that those who oppose this bill understand what this bill really does.

In 1995, two Members of Congress, Mr. Dickey and the gentleman from Mississippi (Mr. WICKER), inserted language in the appropriations bill, which is there every year and has been there every year I have been in Congress, and it says: ''No Federal funds shall be used to create or destroy embryos.''

Now, those on the other side of this debate say they do not think Federal funds should be used for this research, even though by their own admission the majority of Americans support this research. And so here is what this bill does, and maybe once I explain it, everyone will want to vote for it.

What it says is, People who go to in vitro fertilization clinics, there are leftover embryos as part of the process. They can decide one of two things: Number one, do they want to not discard the embryos and either donate them to other couples, and they can be these snowflake children, or to store them in a freezer? Or the donors can decide if they want to throw them away. Or do they want to donate them to science? It is their decision with informed consent.

Now, if they decide to donate them, then what would happen would be the embryos would go to a clinic where a stem cell line would be developed from the embryo with private funds. No Federal funds. The only Federal funds used under the Castle/DeGette bill are Federal funds to then develop those embryonic stem cell lines.

Just as the President's executive order in August of 2001 allowed stem

cell lines to be researched with Federal funding, but he limited those lines, we are allowing more of those lines.

So no embryos will be destroyed with Federal funds. I hope that clarifies the situation.

Mr. Speaker, I am now delighted to yield 1 minute to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Speaker, I have never seen such a well-attended debate, which shows the importance of this issue; and I rise today on behalf of my father who died of Parkinson's Disease. I also rise today on behalf of the millions of Americans like me who have watched their loved ones battle the ravages of some dreaded disease.

I ask my colleagues, How many more lives must be ended or ravaged until our government gives researchers the wherewithal to simply do their jobs?

Although there are no guarantees, many scientists have told me that embryonic stem cell research offers the best and only hope to discover a cure for many, many dreaded diseases. Embryonic research offers scientists the opportunity to extend life and the quality of life for future generations of Americans.

As we are debating, other countries, other States, other people are moving forward with research with all speed. We should pass the DeGette/Castle bill. Life is too precious to wait.

Mr. Speaker, I rise today in support of H.R. 810, the Stem Cell Research Enhancement Act of 2005. As a founder and co-chair of the Congressional Working Group on Parkinson's Disease, I support this legislation that will expand the number of stem cell lines that are available for federally funded research. I believe this bill will reopen the doors to scientific inquiry, allowing us to be able, once again, to utilize embryonic stem cells while adhering to strict ethical guidelines.

I am and continue to be an opponent of human cloning. However, I recognize that we must move forward with ethical research that could lead to new drug therapies. We owe this to those suffering from Parkinson's disease, heart disease, stroke, diabetes, and Lou Gehrig's disease. And we owe this to scientists who are eager to explore new frontiers of science and medicine, but who are restrained by Federal restrictions.

Mr. Speaker, I have met with doctors, scientists, and researchers in my district's leading medical institutions who warn of a "brain drain" as their best and brightest relocate to places where funding for embryonic stem cell research is not restricted.

I have spoken with lawmakers in the State of New York, who have garnered $1 billion in embryonic stem cell research funding, but without Federal funding, stem cell research will move forward without crucial oversight and guidelines.

I have been persuaded by directors at the National Institutes of Health who have spoken out against the White House policy on stem cells.

And I have been moved by the pleas of my constituents who are eager to find cures for suffering loved ones.

Mr. Speaker, this is a mandate.

In 2003, over 900,000 Americans died of heart disease and more than 550,000 succumbed to cancer. I am sure that many in this Chamber have seen friends suffer through the misery of cancer and the indignities of chemotherapy. Who among us has not had a parent or grandparent look at us with vacant eyes because Alzheimer's has stolen their memory away from them? Too many of us have watched as our children with Juvenile Diabetes hold back tears as they give themselves insulin injections each day. Mr. Speaker, it does not have to be this way. Healing our children, family, and friends is a bipartisan issue. In fact, it is a moral imperative.

Mr. DELAY. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Mr. Speaker, I thank the majority leader for yielding me this time, and I am rising in opposition to the legislation that would fund the destruction of embryos in order to take the stem cells for research.

There are a number of reasons that I oppose the bill. The very first one, though, is one of the statements we keep hearing over and over again from those who support the bill, and that is that these embryos would just be discarded. This morning, I met several families, parents with young children who are here in Washington. These children were just like every other child, but they were different. And they were different because these children are the snowflake babies.

They have been referred to a little bit today, but for those just joining the argument, the snowflake babies are born from what would have been discarded embryos in fertilization clinics. It is important that we know this, because it is not, no option, that these embryos would be discarded or tossed aside.

It is true these embryos are often adopted. And, in fact, the children I met today were wonderful evidence of that. It looks like these embryos do not have to be discarded. All they needed was a mother and 9 months.

We do not have to choose between embryonic stem cell research and cord blood, assuming that only embryonic can solve problems. And, in fact, there is no proof that embryonic stem cell research can be successful. This list on the left on this chart shows all the different treatments currently using adult stem cells. On the right is the list of success with embryonic stem cells. It is a pretty empty list.

I encourage my colleagues to reject the false promise of embryonic stem cell research and reject this legislation.

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

Mr. CASTLE. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I come from Florida, and a lot of people think that only retirees and seniors live in Florida, but I want to put a face on a couple that was very successful with in vitro fertilization. They are 47 years old. They had a daughter born as a result of in vitro fertilization. The child was born with multiple heart problems and had to have three surgeries before she was 2 years old.

This couple believes that far more good can come from donating the remaining embryos for research. They have decided not to have any more children. And ultimately what we have not heard here is what the American people want. This is a couple that wants to be able to donate the embryos, which certainly they can do now, but they also want to have Federal research dollars go toward this.

This really is all about where taxpayer dollars go. And when you look at the huge book of pork that comes out every single year, when we go back home and say to our constituents, would you rather have some of this money going to, for example, some foreign countries that regularly turn their backs on us, or would you like to see some significant research done from embryonic stem cells that would be disposed of, the majority of our constituents are clearly going to say, use the money for significant research.

We have to remember that this is not an either/or. Certainly the umbilical cord research is a great science. We need to move forward with that as well as the embryonic stem cell research.

□ 1545

Remember, for this couple and her husband deciding to donate those embryos, they believe they will be saving other children's lives. They believe they will be helping an aunt who has early-stage Alzheimer's. They believe they will be able to help spinal cord injury victims. That is what this research holds the potential for. No, we do not have the cures yet; but unless we go forward, we never will. I fully support the Castle/DeGette bill, and hope other Members do, too.

Mr. Speaker, I rise today in strong support of H.R. 810, the Stem Cell Research Enhancement Act of 2005. I stand with 200 of America's most respected research organizations in support of this bill.

I would like to especially thank Congressmen CASTLE and DEGETTE for their tireless efforts on behalf of the millions of people who may benefit from enhanced stem cell research.

I would also like to thank Speaker HASTERT and Leader DELAY for the debate today and for giving the 200+ cosponsors of this legislation a vote on the House floor.

I rise today as a mother, as a concerned grandparent, and as someone who is worried that the untapped potential of stem cell research may be falling by the wayside.

In my congressional district on the gulf coast of Florida, I have had the pleasure of meeting Holly, a 47-year-old mother of two.

Like many Americans, Holly and her husband had trouble getting pregnant, and their first daughter was born through in vitro fertilization.

Her daughter was born with a congenital heart condition, and had three surgeries before her second birthday.

As with most in vitro fertilization procedures, Holly and her husband had several embryos

left over after the procedure. They chose to keep the remaining embryos frozen.

This couple was then blessed by a second miracle daughter who was conceived without in vitro fertilization The happy couple decided not to have any more children, and had to make a choice about what to do with their frozen embryos.

Holly and her husband are well aware of Operation Snowflake and the adoption options for their embryos.

But, like many other parents, they would rather donate their embryos for research to help prevent heart disease—like their daughter was born with—or cure cancer, Alzheimer's disease or Parkinson's.

For Holly and her husband, they decided that donating their embryos for medical research would be their best chance to save other children's lives. Increasing stem cell research could find potential cures for many diseases that affect so many American families.

Put another way, the issue of embryos and their ability to be used for stem cell research is kind of like a flashlight. Until you put the batteries in, a flashlight will not produce light.

Likewise, only when an embryo is implanted in a uterus to grow, can life be sustained. Embryos sitting frozen in a clinic help no one. The embryo does not grow in the frozen state, so human life is not being created and nurtured.

In addition, when the couple stops paying the daily fees to store the embryos, unless they have the medical donation option, their remaining embryos will be disposed of as medical waste. That would be tragic.

Holly and her husband know this fact. They know that without the nurturing and love that a woman's body provides, these embryos will be wasted.

Science tells us that after as short a time as eight years, these frozen embryos will begin to deteriorate, and lose their viability for implantation.

Mr. Speaker, these embryos are too important to linger in a frozen test tube or to see discarded without helping mankind.

Additionally, I have yet to hear in this entire debate what opponents of H.R. 810 would do with those embryos that are not adopted, and eventually go to waste in a cryogenic freezer.

Would they want those embryos to be thrown out as medical waste, or instead help provide the basis for life-affirming scientific research?

Holly and her husband know that the great potential and promise of stem cell research will not move forward without their donated embryos and their support.

However, it is their respect for the culture of life that has brought them to this decision. They have weighed the choices available to them, and rather than donating the embryo for adoption, have chosen to let their embryos potentially save millions of lives.

Thousands of people around the country have made similar decisions to support life-affirming and life-enhancing research.

H.R. 810 will give hope where hope does not exist.

Passage of this bill today will let the research on stem cells continue under ethical guidelines, and will provide millions of Americans suffering from terminal diseases the hope that they have been denied.

All these organizations listed on this posterboard, such as the American Academy for Cancer Research and the American Medical Association, support H.R. 810. I urge my fellow Members of Congress to vote yes on the bill

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

Ms. DEGETTE. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI), the distinguished minority leader.

Ms. PELOSI. Mr. Speaker, this is an important day for us in Congress. I myself am deeply indebted to the gentlewoman from Colorado (Ms. DEGETTE) and the gentleman from Delaware (Mr. CASTLE) for their great leadership and courage in bringing this legislation to the floor. I thank the gentleman from Delaware (Mr. CASTLE) and the gentlewoman from Colorado (Ms. DEGETTE).

This is important legislation because every family in America, every family in America is just one phone call away, one diagnosis, one accident away from needing the benefits of stem cell research. We want all of the research to proceed, the umbilical cord research that we talked about this morning, and adult stem cell research. That is all very important. But we must have the embryonic stem cell research if we are truly going to have science have the potential it has to cure diseases.

I served for many years, probably 10, on the Labor-HHS subcommittee which funds the National Institutes of Health. So I have studied this issue over the years. What we are doing here today is recognizing the miraculous power to cure that exists at the National Institutes of Health and in other institutes of excellence in research throughout our country. We are recognizing the miraculous, almost Biblical power that science has to cure.

And what we have said, what we are saying here today is nothing that should not be considered of value. What we are saying is when these embryos are in excess of the needs of in vitro fertilization, rather than be destroyed, they will be used for basic biomedical research.

It is interesting to me because when I first came to the Congress, some of the same forces out there that are against this embryonic stem cell research were very much against in vitro fertilization. It is difficult to imagine that now, but they were against in vitro fertilization and considered it not to be on high moral ground.

The research is going to occur with Federal funding or without. It should not occur without high ethical standards that the Federal funding can bring to it. In order for our country to be preeminent in science, we must have the most talented, the most excellent scientists. They will not be attracted to a situation which limits scientific inquiry. As we all know, in science as in business, talent attracts capital, the capital to build the labs and all that is needed to do the research, and those labs in turn attract the excellent scientists, and that makes us first in the world, preeminent in science. We cannot allow this important endeavor to go offshore.

I am particularly proud of my State of California where the people of California in a bipartisan way, as we are doing today, voted a commitment of resources to invest in embryonic stem cell research. We in California will become the regenerative capital of America, indeed, probably of the world. But this should be happening all over the country, and it should not depend on the local initiative of the State. That is good, but it should be coming from the leadership of the Federal Government with the ethical standards that go with it. We have ethical standards in California. They should be uniform throughout our country.

To some, this debate may seem like a struggle between faith and science. While I have the utmost respect, and the gentlemen know I do, for those who oppose this bill on moral grounds, I believe faith and science have at least one thing in common: both are searches for truth. America has room for both faith and science.

Indeed, with the great potential for medical research, science has the power to answer the prayers of America's families. I believe strongly in the power of prayer; but part of that prayer is for a cure, and science can provide that.

Many religious leaders endorse the Castle/DeGette bill because of their respect for life and because they believe science, within the bounds of ethics and religious beliefs, can save lives and improve its quality. Groups as diverse as the United Church of Christ, the Union for Reform Judaism, the United Methodist Church, the Episcopal Church, and the Union of Orthodox Jewish Congregations of America all support this bill.

The Union of Orthodox Jewish Congregations of America says the traditional Jewish perspective emphasizes the potential to save and heal human lives is an integral part of valuing human life.

The Episcopal Church in its letter in support of this legislation says: ''As stewards of creation, we are called to help men and renew the world in many ways. The Episcopal Church celebrates medical research as this research expands our knowledge of God's creation and empowers us to bring potential healing to those who suffer from disease and disability.'' This is what they wrote, and much more, in support of this legislation.

It is our duty to bring hope to the sick and the disabled, not to bind the hands of those who can bring them hope. I believe God guided our researchers to discover the stem cells power to heal. This bill will enable science to live up to its potential to again answer the prayers of America's families.

I urge all of my colleagues to support this bill, thank all of our colleagues on both sides of this issue for their very dignified approach to how we are dealing with this legislation today, but

also say that today is a historic day, that the gentleman from Delaware (Mr. CASTLE) and the gentlewoman from Colorado (Ms. DEGETTE) have given us the opportunity to move forward, again to answer the prayers of America's families, to meet their needs, to allow the science to use its Biblical power to cure; and for that I am deeply in their debt.

Mr. DELAY. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. BOUSTANY), a heart surgeon, a graduate from LSU, and chief resident of thoracic and cardiovascular surgery at the University of Rochester in Rochester, New York.

Mr. BOUSTANY. Mr. Speaker, I thank the majority leader for yielding me this time.

Mr. Speaker, I rise to vigorously oppose H.R. 810. It is ethically wrong to destroy human life, and H.R. 810 would allow for Federal funding to destroy human embryos.

As a heart surgeon, I have dealt with life and death. I have held damaged hearts in these hands, and I have seen how powerful human emotions, coupled with hope, can be; but human emotions coupled with false hope and misinformation are dangerous.

Embryonic stem cells have not produced a single human treatment and have significant limitations. They are prone to transplant rejection, prone to tumor formation, and there is a significant risk for contamination with animal viruses.

Proponents of embryonic stem cell research are certainly aware of these problems, and that is why they view H.R. 810 as a stepping stone to human cloning.

Adult stem cells have been used to treat 58 human diseases, and they do so without taking away what we are trying to preserve in the first place: life. Yes, life.

For example, heart disease, the number one cause of death in the United States, coronary artery disease, has been successfully treated with adult stem cell therapies; and there have been 10 clinical trials that have been completed in human patients using bone marrow-derived adult stem cells to treat heart attack patients, damaged hearts.

And in one trial, patients who were bedridden, not able to walk, were found to be jogging on the beach or climbing eight flights of stairs after successful treatment.

Mr. Speaker, it is irresponsible to spend scarce Federal dollars on false promises when there are certainly alternatives with existing treatments that do not create an ethical dilemma. And for these reasons, I oppose H.R. 810 and urge my colleagues to vote ''no'' on this as well.

Mr. CASTLE. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Speaker, today the political center will hold with Nancy Reagan, and this Congress will stand for Yankee ingenuity and stem cell research.

Our Constitution stands at its heart for the principle of the dignity of every individual and this idea is certainly central to our government and people. But there is a key American principle at the heart of our people that predates the Constitution. Nearly all of us are the sons and daughters of people who took risks to come to build a new life in a new world. If there is one American character that totally distinguishes us from all other countries, it is that Americans are innovators, explorers, inventors and scientists. We take risks, we try new things; and for 200 years the future came first to Americans, the most dynamic and forward-thinking people in all of human history.

We invented the telephone, the radio, the airplane, we eradicated polio. Americans now receive more Nobel Prizes in medicine than all other European countries combined. We stand for innovation and leadership, and this Congress should ensure that American patients never have to leave our shores to find a cure.

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. MURPHY), a distinguished doctor on the Committee on Energy and Commerce.

Mr. PITTS. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. MURPHY).

Mr. MURPHY. Mr. Speaker, Leon Koss said that good things men do can be made complete only by the things they refuse to do.

Now I have no doubts about the compassion and convictions of both sides on this issue, but I take issue with the direction of their convictions, because in the end a life without a name is still a life.

Words cannot take away that this is a life. By calling them ''discarded'' or ''unwanted'' embryos does not take away that they are still lives. While some may see this as scientific efforts of ingenuity and future Nobel Prize work, it does not take away the lethality of this research.

Further, let me state that President Clinton's Bioethics Council stated: ''Embryos deserve respect as a form of human life.'' In 1999 the council said: ''Funding of embryonic stem cell research should be done only if there are no alternatives.'' The research that we have reviewed today and has been reviewed by this Congress in the past when these amendments have been looked upon over the last decade, is that there is still no alternative in the sense that the research is showing that cord blood stem cell research and adult stem cell research is where the results are found.

□ 1600

I have as much compassion as anybody. I have worked with developmentally disabled kids all my professional life and would love to see cures for them, but I want to see the funding go in the direction where we can see success, where that direction has been achieved and we will continue to see that.

But above all, let us remember that there are other things in medical research and medical ethics which come together here because you cannot divorce the two. If we say it is all right to use lethal methods in our research to remove the life of an embryo, what next? What next?

Ms. DEGETTE. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, twelve million baby boomers will have Alzheimer's. Three million baby boomers will suffer from Parkinson's disease. Juvenile diabetes, Lou Gehrig's disease, spinal cord injuries will wreak havoc on the daily lives of millions of American families. These diseases are going to bankrupt the health care system of our country unless we take action. Today, we can take dramatic action, a step, to deal with this looming crisis.

President Bush has threatened to use his first veto to prevent scientists from using Federal funds to search for these cures. This is wrong. Stem cell research is the light of life, the way out of the darkness, the life-giving, life-enhancing, life-extending path to hope.

Hope is the most important four-letter word in the language. We must vote for hope, vote for life, vote for a brighter future for all of our loved ones. Vote for hope for a small girl forced to stick a needle three times a day into her young arm. Vote for hope for a beloved mother whose loss of balance leads to falls in the night. Vote for hope for a spouse who realizes that his memory of life and family are dissolving into a forgetful haze.

Vote ''yes'' so that the next generation of children will have to turn to the history books to know that there ever was such a thing as juvenile diabetes or Parkinson's or Alzheimer's or any of these plagues that affect our Nation today and are going to turn into a crisis in the next generation.

Mr. PITTS. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I am one of seven children. I am the second oldest. My older brother John is 2 years and 2 days older than I. We grew up together closer than any other members of the family.

After I left this House on the first occasion, within 2 years, my brother developed Parkinson's. He has now suffered with it for 15 years. I have learned a lot of things from my brother, but one of the things I learned most of all was there is a difference between right and wrong. There is a moral dimension in most of the serious issues that we must face.

Would I like to support embryonic stem cell research without a question

of ethics because it might assist my brother? Sure. Would I like to see embryonic stem cell research in the area of cancer where it might have helped one of my sisters who has had cancer? Yes. Would I like to see it in terms of research of cancer that plagues 4-year-old children like my nephew? Of course. But can we divorce all of that from the ethical norm that we must present here?

We look back in history and, yes, America has oftentimes promoted science. But America has made mistakes in the past. The worst mistakes we have ever made in the history of this Nation have been when we have defined a part of the human family as less than fully human and then done things to them that we would not allow done to ourselves.

We have done it with slavery. We have done it with the Tuskegee medical experiments. Other countries have done it as well. The commonality among all of those mistakes, the greatest mistakes in our Nation's history, has been the ease with which we defined members of the human family as less than fully human.

We are talking about embryonic stem cell research that requires the destruction of the embryo, the destruction of part of the human family. We should remember that as we talk here today. We should resolve doubt in favor of life as we do in our criminal justice system, as we do in our civil law system.

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

Mr. Speaker, as this debate has gone on, and it has been a good discussion here today, I think it is worthwhile to come back to where we are on this whole issue here.

The embryonic stem cell research we are debating here today is controversial because of the means of obtaining these cells. Research involving most types of stem cells, those derived from adult tissues or the umbilical cord, is uncontroversial except, as we saw, the second issue here today is, how effective is it? Is embryonic more effective than cord? Are embryonic stem cells more effective in treating injuries and illnesses than the adult tissue stem cells?

So we sort of have a two-pronged argument here yet: How do you obtain the stem cells and, secondly, the effectiveness of adult versus embryonic stem cells.

But I think in this whole issue here, we sort of lose questions. Before we even get to those questions, I think we should look at it and say, what is the ethical consideration of the human nature, and that should be the first question we should ask, not what are the means we obtain it by, what is left over when we obtain the embryonic stem cells, or what is its effectiveness.

I think we have to look at the ethical considerations. Because cloning is one method to produce embryos for research, the ethical issues surrounding cloning are also relevant. In fact, I believe those ethical issues should really be the first question we should ask before we debate the means of obtaining, or even the effectiveness of the proposed treatment.

I would hope that life would triumph hope and the question is really before we even get into effectiveness or means, but what is the human nature consideration? That should be the first question we should answer.

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

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

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

Ms. DEGETTE. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, as my colleague from Massachusetts eloquently stated a minute ago, today this House has a historic opportunity to vote for hope, hope for millions of Americans suffering with devastating diseases. These patients, their doctors and scientists, have reason to hope, the potential that embryonic stem cell research has for developing new treatments for these devastating diseases.

One of my dearest friends recently died of ALS, or Lou Gehrig's disease, which causes fatal destruction of nerve cells. The slow death sentence that ALS gives its victims is brutal. The disease took away my young friend Tom's ability to control his own muscles, paralyzing them and ultimately making it impossible for him to breathe. Stem cell research provides hope, not for Tom but for future ALS victims. Scientists believe they can use stem cell research to replace the devastated nerve cells that ALS leaves behind.

With heart disease affecting so many of us in this Nation, the promise of embryonic stem cell research has advancements for the human heart which are incredible to think of. Instead of patients suffering because their heart cells are failing and no longer able to pump blood, new ways could be discovered to replace those cells.

And with regard to cancer, stem cell research has enormous potential. For example, it could facilitate the testing of new medications and treatments, not in time for my daughter's life, but for her young children's generation. We cannot afford to wait.

And it could be used to grow bone marrow that matches a patient and is not rejected by his or her body.

In each of these cases, stem cell research holds out promise. It provides hope that longer, better-quality lives are possible. That is what this bill is about. It will expand the ability of the National Institutes of Health to fund this research and improve the chances for finding new treatments and cures.

As we have discussed, each year thousands of embryos no bigger than the head of a pin are created in the process of in vitro fertilization. A small percentage of these embryos are implanted and, hopefully, become much-longed-for children. Some of the rest will be frozen, but most are discarded.

They will not be used to create life, they will never become children, they will be lost without purpose. But under H.R. 810, with the informed consent of the donor, under strict ethical guidelines, these embryos can be used to give life to millions of Americans. Today, we can give this hope to millions who have little to hope for now.

This is an historic opportunity. I urge my colleagues to do the right thing, to support lifesaving medical research. Support H.R. 810.

Mr. PITTS. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. SOUDER).

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

Mr. SOUDER. Mr. Speaker, I would like to share a letter from a young girl in my district:

''Dear House of Representatives:

''My name is Kelsea King. I am 14 years old and have been dealing with diabetes for nearly 3 years now. There are many challenges in having this disease, both physical and emotional. Though it may be hard to believe, the emotional pain greatly outweighs the physical pain.

''My sister, Kendall, was also diagnosed with diabetes 2 years ago. She is now 7. It is very hard going through life knowing that both our lives could be shortened by this disease. It is also very difficult knowing what this disease makes us prone to, such as heart disease, liver problems, blindness and in extreme cases loss of limb. But the most difficult part of all is worrying about passing out due to low blood sugars, or being hospitalized. It is too large of a responsibility and too large of a burden for any 7-year-old and even for a 14-year-old.

''As you can see, my need for a cure to this disease is very great. But I do not want a cure if it takes the lives of others. I do not support embryonic stem cell research. I believe it is very wrong to take innocent lives for any reason, even if it benefits me. There are other ways of a cure. We just need proper funding. If we work together, we can find a cure through adult stem cell research.

''My hope and prayer is for my sister and I to be cured before we are adults so we can both live long and healthy lives. No one deserves diabetes but everyone deserves a cure through adult stem cell research.''

The campaign for federal funding of embryonic stem cell research has been a campaign of half-truths, and at times, outright deception.

Advocates of federal funding for destructive embryonic stem cell research do three things consistently:

(1) Obfuscate the fact that a living human embryo is killed in the process of extracting the cells.

(2) Obfuscate the fact that there have been no cures, treatments, therapies, or even clinical trials using embryonic stem cells.

(3) Obfuscate the fact that there is unlimited private funding allowed for embryonic stem cell research.

As Chairman of the Government Reform Subcommittee on Criminal Justice, Drug Policy and Human Resources, I sent a letter to the Director of the National Institutes of Health in October, 2002 requesting a detailed report providing comprehensive information about the medical applications of adult and embryonic stem cells. It took almost two years to get a response from the NIH, and the response omitted many of the advances, applications and trials for adult stem cell research that had already been reported in peer reviewed journals. The one thing that was complete in the NIH response to our oversight request, was the listing of applications for embryonic stem cells: zero.

The applications for embryonic stem cell research was zero then, in June of 2004, and it's zero now. The human applications for adult stem cells currently number 58, and range from lymphoma to chrones disease to heart damage to immunodeficiency syndrome.

Finally, let me be clear: there is no "ban" on embryonic stem cell research. There is no limit to the amount of private money that may be devoted to this research. The research is being conducted throughout the country. The critical fact is that we are responsible for the public purse, and forcing the public to fund unproven research where living human embryos are destroyed is completely unconscionable. If private industry sees promise in embryonic stem cell research, you can be certain that investors will find it. But the public should not be forced to subsidize a speculative venture involving destruction of human life.

Fourteen-year-old Kelsea King, an articulate young constituent of mine, has Juvenile Diabetes. Her struggle with this disease is emotionally and physically challenging, but she is strongly opposed to the idea of developing a cure that would involve the destruction of human life. As she wrote in a letter to me, "I believe it is very wrong to take innocent lives for any reason, even if it benefits me." I am submitting Miss King's letter in its entirety for the record.

H.R. 810 requires the public to pay for destructive embryonic research that has no current applications. It's an empty promise to the millions who suffer with disease, and would surely pave the way for embryo cloning.

I am voting against H.R. 810, and I urge my colleagues to do the same.

Avila, IN, May 23, 2005.

DEAR HOUSE OF REPRESENTATIVES, my name is Kelsea King. I am fourteen years old and have been dealing with diabetes for nearly three years now. There are many challenges in having this disease, both physical and emotional. Though it may be hard to believe, the emotional pain greatly outweighs the physical pain. My sister, Kendall, was also diagnosed with diabetes two years ago. She is now seven. It is very hard going through life knowing that both our lives could be shortened by this disease. It is also very difficult knowing what this disease makes us prone to, such as heart disease, liver problems, blindness, and in extreme cases, loss of limb. But the most difficult part of all is worrying about passing out due to low blood sugars, or being hospitalized for ketoacidosis (which is caused by blood sugar being too high). It is too large of a responsibility and too large of a burden for any seven-year-old, and even for a fourteen-year-old.

As you can see, my need for a cure to this disease is very great. But I do not want a cure if it takes the lives of others. I do not support Embryonic Stem Cell Research. I believe it is very wrong to take innocent lives for any reason, even if it benefits me. There are other ways of a cure; we just need proper funding. There is no proof that Embryonic Stem Cell Research is better or more successful than Adult Stem Cell Research. If we work together, we can find a cure through Adult Stem Cell Research.

My hope and prayer is for my sister and I to be cured before we are adults so we can both live long and healthy lives. No one deserves diabetes, but everyone deserves a cure through Adult Stem Cell Research. My sister and I need this, as well as the millions of other children in America who are afflicted with this disease. Please help us—support Adult Stem Cell Research!

Sincerely,

KELSEA KING.

Mr. STUPAK. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. I thank the gentleman for yielding me this time.

Mr. Speaker, the gentleman from Delaware (Mr. CASTLE) and the gentlewoman from Colorado (Ms. DEGETTE) deserve our thanks for sponsoring the Stem Cell Research Enhancement Act and working with so many families who have been impacted by diseases that may find cures as a result of this vital research. Their work and dedication on this legislation has been tremendous and praiseworthy. I also thank them for giving me the opportunity to cast one of the most important votes I will ever make in Congress.

Almost everyone has lost some family member prematurely. I think of the grandmother, whom I never met, who died when her daughter, my mother, was only 16. I think of my mother-in-law who never had the opportunity to know her grandchild who is now 25. I think of my cousin, who was brilliant and never got to realize his full potential.

Embryonic stem cell research has the potential to cure disease and save lives in ways never dreamed of. And it is only 6 years old. These are discarded embryos that were never in the womb. They were not taken from it and they were not put into it. But they can help save lives. That is why it is so important that we not only pass this legislation today, but that the President signs this bill into law.

Sometimes ideology can box you in and cause you to make wrong and harmful decisions. I think it is time we recognize the Dark Ages are over. Galileo and Copernicus have been proven right. The world is in fact round. The earth does revolve around the sun. I believe God gave us intellect to differentiate between imprisoning dogma and sound ethical science, which is what we must do here today.

I want history to look back at this Congress and say that in the face of the age-old tension between religion and science, the Members here allowed critical scientific research to advance while respecting important ethical questions that surrounded it.

□ 1615

We know that by allowing embryonic stem cell research to go forward, treatments and prevention for diseases will not come to us overnight. But we also know embryonic stem cell research has the potential to yield significant scientific advances to heal and prevent so many diseases throughout the world.

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

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

Ms. DEGETTE. Mr. Speaker, I yield 3 minutes to the gentlewoman from Missouri (Mrs. EMERSON).

(Mrs. EMERSON asked and was given permission to revise and extend her remarks.)

Mrs. EMERSON. Mr. Speaker, I have a profound deep and abiding belief in the right to life. I have introduced a constitutional amendment to ban abortions every session of Congress since 1997 and have a perfect pro-life voting record.

Two years ago I visited the Bader Peach Orchard in Campbell. I met the Baders' son, Cody, after my tour. Cody is a handsome and articulate young man who happens to live in a wheelchair because of a car accident. Cody asked that I rethink my opposition to embryonic stem cell research because he thought that one day if it did not help him, it might just help another young person like him. I later wrote a note to Cody's family telling them that even after hearing his story, I could not do as he asked. And I have regretted writing that letter ever since.

My friends Joel and Dana Wood have a son James, who was diagnosed with muscular dystrophy when Dana was 9 months pregnant. James may never see his 21st birthday, and this is just heartbreaking. My late husband, Bill Emerson, and his mother, Marie, who passed away last night, both suffered from diseases for which stem cell research holds much hope: cancer and dementia. Embryonic stem cells are the only avenue for research we know of now that can possibly help alleviate those two diseases. Neither adult stem cells nor cord blood are plausible for the study or treatment of brain tissue.

I have met with ethicists, scientists, two priests, and my own minister to talk about this agonizing decision. But when presented with an embryo, an embryo that cannot live outside a uterus, an embryo that is going to sadly be thrown out as medical waste, and the lives of little James Wood and young Cody, I ask do they not have as much of a right to life as that embryo that is going to be tossed away?

I had dinner last Thursday night with my daughter and her friend, Will Coffman. Will's story is much like Cody's. We talked and talked about this issue. And Will said to me, We may never know how the story will end, but please do not let the story end right now.

Mr. Speaker, my pro-life credentials are unquestioned. Who can say that prolonging a life is not pro-life? Technology and faith continue to present agonizing decisions and conflicts. Each life is precious, and so I must follow my heart on this and cast a vote in favor of H.R. 810.

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

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

Mr. CASTLE. Mr. Speaker, I yield 2 minutes to the gentleman physician from the State of Michigan (Mr. SCHWARZ).

Mr. SCHWARZ of Michigan. Mr. Speaker, I have been a physician for 41 years; and like my good colleagues who will not be supporting this bill, I would expect we could tell the Members stories of all the blood and gore and problems that we have waded through in those years and done our very best. I also consider myself a guy who is pretty much pro-life.

This bill is not cloning. It is not somatic cell nuclear transfer. It is sound science. For those who have an ethical problem with the bill, I accept the fact that they have that problem and hope that at some point in the future we can sit down and discuss this issue. But for now they will have their position; I will have mine.

Stem cell research, especially embryonic stem cell research, is going to go on apace very rapidly in all parts of the world, whether it is Singapore or Korea or Japan or China or the United Kingdom or Canada, other places on continental Europe. We are being left behind in this. We have the finest universities in the world, the finest researchers, the ability to bring stem cell research to a point where we will, indeed, have cures for everyday problems such as diabetes, such as Parkinson's, such as Alzheimer's, and perhaps even being able to create neuronal cells to take care of people who have spinal cord injuries. Science will march on.

I believe this bill helps the living. Can there be any doubt that the potential of relieving widespread suffering with embryonic stem cells is morally superior to simply destroying the excess embryos? How can we call ourselves a culture of life when we ignore the living, when we ignore the infinite potential of embryonic stem cells?

The SPEAKER pro tempore (Mr. LAHOOD). The order of closing will be in this order: the gentleman from Delaware (Mr. CASTLE) first, the gentleman from Michigan (Mr. STUPAK) second, the gentleman from Texas (Mr. DELAY) third, the gentlewoman from Colorado (Ms. DEGETTE) fourth, and the gentleman from Texas (Mr. BARTON) will close.

Ms. DEGETTE. Mr. Speaker, I yield 2 minutes to the gentleman from Washington State (Mr. MCDERMOTT).

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

Mr. MCDERMOTT. Mr. Speaker, while Europe and Singapore and California and Korea are moving forward in an effort to relieve human suffering, the United States Congress, 435 theologians, have gathered here to decide a values decision. We have no guidance. There was no in vitro fertilization or stem cell research when Jesus walked on the Earth. We are left to make the decision on our own.

The decision comes down to this: a man and woman come in to a physician. He presents some semen. She presents some eggs. They put them in a jar or they put them in a petri plate, and it becomes an embryo. They have several of them; so they use one. They put it in the mother. She has a baby. And there are a bunch left. Now what shall we do with those? Shall we throw them down the sink, wash them away, or shall we use them to help people who have terribly debilitating diseases? That is what this issue is about.

Like the last speaker, I am a physician. I have counseled people who were dying with Lou Gehrig's disease. To watch somebody drown in their own secretions, someone that you know and care about, and then come in here and say we are not going to look for a way to relieve that kind of agony, we will not worry about a 13-year-old kid who gets diabetes and has to give himself thousands and thousands of shots and loses the length of life that most of us expect because of that disease; we will say to them, well, Jesus wanted us to do this. I do not remember the Lord ever saying that. I do not ever remember his saying, I gave you a brain, you human beings. I do not want you to figure anything out. I do not want you to make it any better.

This is a perfectly good values judgment on which everybody should vote ''yes.''

Ms. DEGETTE. Mr. Speaker, I yield 1½ minutes to the gentleman from Washington State (Mr. INSLEE).

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

Mr. INSLEE. Mr. Speaker, I come to speak for life, life for people with diabetes, life for people with Parkinson's, life for people with damaged hearts.

What possible benefit is it for life to discard these cells without allowing them to be used to bring life, to save life, to preserve life? If these cells have any future, it is through curing disease. If Members wish to give them life, then let them give life to others. This is their only hope, and it is our best hope.

Dr. Connie Davis, the medical director of University of Washington's Kidney and Kidney-Pancreas Transplant Program, put this discussion in perspective when I was talking to her yesterday. She reminded me that the donation of a kidney used to be a controversial issue in this country. It is no longer so.

Our bill allows donors of these stem cells to make a donation decision, a donation to research. A narrow segment of our Nation did not stop lifesaving kidney donations, and a narrow segment should not stop embryonic stem cell research. Healing is a moral thing to do.

I met a man at the Transplant Association the other day. He and his wife had, in fact, had an in vitro fertilization. He had other additional embryos that were available. He wanted to make those available to cure people with diabetes and Parkinson's disease, and he had one thing he asked me. He said to me, Let me and my wife make that moral judgment, not the 435 strangers who know nothing about my moral interior values or my life.

That is an American right to donation. We should preserve it and pass this bill.

Mr. DELAY. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. RENZI).

Mr. RENZI. Mr. Speaker, I thank the leader for yielding me this time.

I recall being taught that the mustard seed is the smallest of all seeds, and yet it grows into the mightiest of trees. And the same can be said of the human embryo, something so very small, so unseen by the human eye, and yet so special at the very beginning of life that it needs to be safeguarded.

The real heart of this argument is whether something so innocent should be killed and whether Americans should pay to facilitate the government-sanctioned experimentation on human life based upon a prospect, based upon a maybe, based upon a possibility, based upon the potential.

The government already takes 285 million of our tax dollars each year and funnels it into pro-abortion organizations. The leadership of the gentleman from Delaware (Mr. CASTLE) undermines my ability to love my country, undermines our patriotism.

I say stand fast against the secret pollsters and vote ''no'' on this legislation.

Ms. DEGETTE. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, the debate on stem cell research challenges all of us to think carefully about the value we place on human life. Many of us turn to our faith traditions for guidance and wisdom. None of us has the right to legislate our religious beliefs and impose them on others. But as Members look to the teachings of their faiths for guidance, I ask them to remember that not all faiths hold that stem cell research is the enemy of life. The religious traditions of many of us do not tell us that a 14-day-old blastocyst has the same moral significance as a human being and do tell us that the obligation to preserve life, which includes the obligation to cure disease and alleviate human suffering, is paramount.

I understand and respect the faith of all of my colleagues. It is a sincere faith that reveres life. I ask them to

accord that same respect to the faiths of others.

Unfortunately, words have sometimes been used carelessly, and these words sometimes denigrate the faith of others. When the teachings of a faith are described as ''a culture of death'' because they hold that the potential to save and heal human lives is an integral part of valuing human life, that faith and its adherence are being slandered. How dare anyone slander the faiths of many Americans as ''a culture of death.'' God does not speak to one faith alone.

We hear lots of speeches about respecting people of faith and the need to bring faith into the public square. The people who make those speeches should respect all faiths. We should vote our consciences, but we should not denigrate the faith and consciences of the millions of Americans who seek to preserve life and end suffering and who believe that embryonic stem cell research can save lives and therefore embodies the highest morality.

□ 1630

Mr. CASTLE. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, most of my colleagues that support this bill are from the pro-choice field. I come at it from the pro-life section. A lot of times I disagree with my colleagues because I think in some cases they would go further, and a fact that many people will not take under their wing is that many of these stem cells are going to be thrown away, either cryogenically they deteriorate and they throw them away, or a woman says ''I don't want to keep them for 1,000 years'' and they discard them. They literally throw them in the toilet.

Now we can save life. They say there is no good to be done. Animal studies have shown that work with the spinal cord, heart and others have been successful. We have not done it on humans. If you take a look at some of the blood diseases with bone marrow used, that is stem cell.

And we have hope in the future. I met a young man that had AIDS at NIH, and he only thought about dying. He said, ''Duke, all I need is hope to survive.'' This gives that hope, and I think it has promise.

Mr. DELAY. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Mr. Speaker, the seminal question that we address is, should Americans be using their tax dollars to fund research that kills a living human embryo? My answer to that is an emphatic ''no.''

It is our duty to ensure that we spend our money on things that work, and there are no therapies in humans that have ever successfully been carried out using embryonic stem cells. And that is really what this whole debate is about, paying for what works and paying for it in a way that is consistent with the morals of our taxpayers.

Look, even the President and CEO of the Juvenile Diabetes Research Foundation, a group that is a strong supporter of destroying human embryos for research, he said, ''There have been more promising results in adult stem cells than there have been in embryonic stem cells.'' He predicted that their foundation would soon be spending more on adult cells research than embryonic research.

Private organizations like these are choosing to use their research dollars on what works, adult stem cells research. Washington must also spend its money efficiently on what works, while representing the values of the taxpayer.

I urge a ''no'' vote on Federal funding for killing living human embryos.

Ms. DEGETTE. Mr. Speaker, I am delighted to yield 2 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, the gentleman that just preceded me, speaking to the House, said that he did not think this experimentation would work. Well, there is no way it will ever work if we do not allow the research to take place. There can be nothing that is more pro-life than trying to pursue research that scientists tell us will lead to cures for MS and diabetes and Parkinson's and other terrible diseases that people now suffer and die from.

Some people have said, Well, let us have an alternative; let us use the stem cells from the umbilical cord.

Mr. Speaker, that is not a replacement for embryonic stem cell research that would occur if we passed H.R. 810, the Stem Cell Research Enhancement Act. We need to ensure that scientists have access to all types of stem cells, both adult and embryonic.

Rather than opening the doors to research, the President's policy of stopping this work at NIH has set the United States back. It has meant that researchers who see the promise are leaving the National Institutes of Health. It means the edge that this country has had as a leader of research is now falling behind and we look to other countries who are going to take our place.

For the sake of those who are suffering, for the sake of what science can bring to us, for the sake of life, I urge the adoption of this legislation. I do not think it is a good enough excuse to hold up a clump of cells and say, this we value and this we will protect, and then to look at our friends and our colleagues, people we know and people we do not even know, and tell them their lives we do not value.

The United States is poised to assume a role of leading the world in this promising field. Vote for this legislation that will make it possible.

Mr. DELAY. Mr. Speaker, I yield 1 minute to the gentleman from South Carolina (Mr. BARRETT).

Mr. BARRETT of South Carolina. Mr. Speaker, this issue is more than facts and figures. For me it is personal. It is about my children, Madison, Jeb and Ross Barrett. It is about my nieces and my nephews, Hayden and English and Jason and Andrew. They are not just names, they are living, breathing human beings. They are people I care about, they are people I love. It is my family. And they began life as an embryo.

Let us be clear, embryonic stem cell research is completely legal. What we are talking about today is whether taxpayer dollars should be used to destroy potential life, and, for me, life must supersede all other considerations, especially for the purpose of medical experimentation.

Life is so precious, Mr. Speaker, and as long as I am a United States Congressman, I will do everything I can to protect it.

Ms. DEGETTE. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I rise in support of this bill, which will expand funding for embryonic stem cell research, and I am proud to be an original cosponsor of it.

What I would like to say today is the following: Scientists have informed us, the professional scientists in our country, not political scientists, but scientists, and what they have told us from their considerable work and research is that this issue represents hope. It represents hope for the cure of diseases that plague so many of our people, from juvenile diabetes all the way to the other part of life, which is Alzheimer's, and so many diseases in between.

This Congress and previous Congresses have seen fit to double the funding of the National Institutes of Health. I have always called them the National Institutes of Hope.

We are now on the threshold, we are now on the threshold of debating an issue that can bring hope to our people. It is up to us to have an ethical standard in this debate. That is why no human cloning is a part of the bill that I support. Why? Because no one supports that.

The American people are decent and they want an ethical standard, but they also want their Nation's leaders to continue to give hope to them, hope for the cure of these diseases that cause so much human suffering. We have a responsibility in terms of our compassion, in terms of the instruction that our Nation's scientists have given to us.

So I urge my colleagues to support this bill. It is an ethical bill, and it is a bill that is all about hope.

Mr. Speaker, I rise in support of this bill which will expand funding for embryonic stem cell research, and I'm proud to be an original cosponsor of it.

Under this bill embryonic stem cell lines will be eligible for Federal funding only if the embryos used to derive stem cells were originally created for fertility treatment purposes and are in excess of clinical need.

Today, there are thousands of surplus embryos from fertility treatments that will never be used and will likely be discarded.

We should allow parents who choose to donate these embryos for use in federally-funded stem cell research to do so.

My home-state of California recently approved a $3 billion ballot initiative to fund embryonic stem-cell experiments. It is the largest State-supported scientific research program in the country. This initiative places California at the forefront of the field and exceeds all current stem-cell projects in the United States.

But without additional Federal funding, our scientific leadership is being transferred overseas. Where the leading-edge research is carried out matters a great deal. Any policy restricting Federal funding for embryonic stem cell research threatens the long-term vitality of the U.S. economy, and most importantly denies millions of Americans hope.

I urge all my colleagues to vote "yes" on H.R. 810.

Mr. DELAY. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. GINGREY), who is an OB/GYN physician, who practiced for 26 years and has delivered over 5,200 babies.

Mr. GINGREY. Mr. Speaker, I thank the majority leader for yielding.

Mr. Speaker, I rise this evening in opposition, strong opposition, to H.R. 810, not as a physician, not as an obstetrician-gynecologist, but as a pro-life Catholic who firmly believes in the sanctity of life.

I have sat here for almost 3 hours listening to every word of the debate as part of my job as a member of the rebuttal team, and here is my legal pad of notes and rebuts. Most of those rebuts are against people on my side of the aisle, because this issue is clearly a bipartisan issue. You have Members, Republicans and Democrats, who are for the bill, indeed the authors, and you have Republicans and Democrats who are in opposition to the bill. So I have got plenty of rebuttals that I could make, but very briefly, I will just mention one or two.

One of the gentlemen on my side of the aisle said that we need the Federal Government, we need the Federal Government involved in embryonic stem cell research and the funding of that to provide ethical guidelines to the States. You remember that comment, maybe an hour or so ago? Well, if the Federal Government is involved in a program where taxpayer dollars are spent to destroy human life, what ethical advice can they give to my State of Georgia, I ask? I think none.

You see, I firmly believe in the sanctity of life, and I believe that life does begin at conception, and these embryos are definitely living human beings. The gentleman just said a few minutes ago that "I can't imagine that a 14-week blastocyst has the same value as a human being." Indeed, it does.

Mr. Speaker, I would ask my colleagues to look at these charts and what we know with these so-called frozen throwaway embryos that nobody wants. Well, there are hundreds today of these snowflake children, and there will be many more when people realize this is available to them.

Yes, it starts as an embryo, just a few cells, and then a blastocyst. But then here is a 20-week ultrasound with a beating heart and brain and limbs and moving, and then here is the final result.

Let me just say in conclusion, the gentleman from New Jersey talked about his development, his growth and development, and going backwards in his life. He stood in this well and said, "I am an adult man today. But yesterday I was a teenager, and before that I was a toddler." But he did not go the opposite direction and say "In 20 years I will be a senior citizen, and after that I may be in a nursing home and I may have Alzheimer's. I may be a vegetable."

You would not want to destroy those lives, any more than the embryos at the beginning of life.

Ms. DEGETTE. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I just want to say, if people want to donate their embryos to another couple for adoption, our bill allows that. But our bill also allows people who do not want to give their embryos for adoption to donate them for science, so the children who are alive today can be cured. I assume no one on the other side of this issue would want to force everybody to give up their embryos for adoption, because clearly that would be limiting the choice that people have.

Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I am proud to represent New Jersey, one of the few States that devotes its own resources to embryonic stem cell research.

To help us understand this humane line of research, let us look at in vitro fertilization. Several decades ago, many people raised concerns about this procedure; everywhere there were attacks using the term "test tube babies." But today there are 400,000 young people who are the products of in vitro fertilization, and in every case, there are eggs, fertilized eggs, that were not brought to full-term birth.

But people do not condemn the use of IVF. And just as we do not place ethical burdens on the children who were conceived through IVF, we should not place ethical burdens on the millions of Americans suffering from Parkinson's, Alzheimer's, diabetes, et cetera.

□ 1645

I am hoping that several decades from today, we will look back and find ourselves thankful that we came to a humane, prudent conclusion. Embryonic stem cell research will have yielded new ways to diagnose, treat, and cure tragic diseases.

I urge my colleagues to support the humane H.R. 810.

Mr. DELAY. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. MCHENRY).

Mr. MCHENRY. Mr. Speaker, I thank the distinguished majority leader for yielding me this time.

We are here debating H.R. 810, which directs the Federal Government to spend tax dollars on embryonic stem cell research. This bill, therefore, implies that stem cell research is not already going on, but stem cell research is alive and well in America. Adult stem cells are currently being used to treat people, and successfully.

This bill's approach, however, will remove stem cells from human embryos. This will kill the embryo. And whether we like to think about it or not, embryos are indeed human beings. Every human life begins as a human embryo; and by extracting their stem cells, this bill uses American tax dollars to destroy human life.

The embryonic stem cell research in this bill destroys human life, and I believe that we as the American people should not destroy human life with American taxpayers' dollars, not even in the name of research.

Mr. DELAY. Mr. Speaker, I yield 1 minute to the gentlewoman from Colorado (Mrs. MUSGRAVE).

Mrs. MUSGRAVE. Mr. Speaker, I recently had a granddaughter born. I looked at that little baby, and I was in love with her when I went to ultrasound and we saw her, even before she was born. When I saw the little snowflake children, I thought about their humanness. I thought about what joy they brought to their families. I thought about little children that needed to be comforted when they were hurt, little children that wanted to be put to bed at night with a kiss and a story, their wonderful humanness, and I thought about what the American people think of babies and how we cherish them. When I see these little children, I know their intrinsic value; and how we treat people, in whatever form of development, depends on how we perceive them.

The embryo is a human being at an early stage of development. When we talk to many who have great knowledge about this, and I appreciate the doctors in our presence, we should never spend the American taxpayers' dollars to take the life of an innocent human being.

As I look at this bill, I know it is very complex; but we need to always support human life.

Ms. DEGETTE. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, I rise in strong support of H.R. 810. I commend my colleague, the gentlewoman from Colorado (Ms. DEGETTE), for her leadership on this issue.

Stem cell research is not about abortion. Stem cell research is not about human cloning. We are talking about finding cures for Alzheimer's, paralysis, Parkinson's, and other diseases. We are talking about improving the lives of countless numbers of people in this country. That is what stem cell research is about.

We are talking about putting American health care and researchers in the best position to finding the cures for today's diseases tomorrow and to preventing the diseases of tomorrow today.

This spring, I joined my colleague, the gentleman from New York (Mr. ISRAEL), for a congressional roundtable on stem cells and on the biotech industry. Doctors, researchers, and scientists spoke about how the President's strict limits on stem cell research is prohibiting them from conducting the level of research that they would like to do.

I agree, but who is missing out the most are the 650,000 people we represent and the potential this research holds.

American medical research has extended lives through immunization, treatments, and innovations. From eradicating polio to advances in diabetes, American research has been on the forefront.

But there is still so much more that can be done and much more potential that exists. I commend my colleagues again for this bill being on the floor, and I support it wholeheartedly.

Mr. STUPAK. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy of yielding me this time.

I have been touched by the personal stories that we have heard here today. I think people are genuinely speaking from the heart.

But the issue remains that we have embryonic stem cells that are either going to be thrown away for largely theological reasons, or they will be used for research to save lives. This research is going to take place in the United States and around the world. The question is, how rapidly? The question is whether the United States Government's official policy will remain frozen in place, or whether we will exert the same type of leadership that we have exerted in other areas of research, technology, and dealing with human health.

For the sake of life, for the sake of health, for the sake of our families, I hope that this legislation passes, that we will be able to make sure that the Federal Government exerts its appropriate role in making sure that we have the resources, the direction, and the control to do this successfully.

Mr. CASTLE. Mr. Speaker, I yield 2 minutes and 15 seconds to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise in strong support of the legislation before us which I consider to be extremely important. It builds on the President's policy by merely allowing the use of embryonic stem cells created for fertility purposes to be donated with permission, but without payment, by the woman for research, research to cure some of the terrible diseases that plague our lives. These free citizens would simply exercise their right and their conscience in donating embryos that would otherwise be discarded, destroyed, as waste.

I believe we have a moral responsibility to advance the research that saves lives, relieves pain, and prevents suffering, rather than destroying those embryos. Those embryos could produce the stem cells that would save lives, and should not be destroyed as waste.

Why do we have to do this today? Because if we do not, stem cell research will be done, but will not be uniformly governed by NIH's ethics policy.

Why do we have to do this today? Because no nation has created a sustained, strong, globally-competitive economy without the freedom to research the frontiers of knowledge.

Finally, why do we have to do this today? Because it is the right thing.

Now, we have heard a lot of discussion on the floor today about destroying these cells as taking life and, as a matter of conscience, this is a complicated issue and one on which we disagree. If you believe life begins when the sperm enters the egg, then, yes, you would believe this is a taking of life, though we would unceremoniously toss those same cells into a waste bucket. But if you believe that life begins when the fertilized egg is implanted in the mother's womb, which, of course, is essential for it to realize its potential for life, then using a fertilized egg that has not been implanted is not a taking of life. If, further, you believe that life begins later in the process, then you are not taking life.

So I ask each of my colleagues to think carefully in conscience when life does begin; and, on that issue, your vote on this bill rests.

Mr. STUPAK. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. WU).

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

Mr. WU. Mr. Speaker, I rise in strong support of this stem cell research bill. The science will go on with or without the United States. Diabetes, Alzheimer's, Lou Gehrig's disease, these diseases will be cured either here in the United States or somewhere else in the world.

This bill is not about human cloning, which I oppose. An embryo is special tissue. We should not create them with the intent to terminate them later. But here, the embryos were created with the intent to bring more children into the world. Many eggs were fertilized in this process and, once a baby is born, many fertilized eggs are left over, created with the intention to create a baby.

As Oliver Wendell Holmes stated, even a dog can tell the difference between a stumble and a kick. Juries determine intent all the time and, here, intent is crucial. These cells were created with the intention of creating human life, and the only alternate fate for them now is disposal.

Let us not waste potential human life; let us not waste these fertilized eggs by destroying them. Let us use them to save human lives through stem cell research. Support the Castle-DeGette bill.

Mr. DELAY. Mr. Speaker, I yield 1 minute to the gentleman from Kansas (Mr. TIAHRT).

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

Mr. TIAHRT. Mr. Speaker, 58 to zero. Today we are asked to sear our conscience and harden our heart towards human life so we can experiment on fertilized human embryos because we are told it holds such great promise. The results from testing are far from promising, though. They are very disappointing.

But there is an alternative. The adult stem cell research has been very successful compared to embryonic stem cell research, and this success was accomplished without the destruction of human life.

In fact, more than 58 diseases have been treated using adult stem cells in contrast to no diseases having been treated by using living embryonic stem cell research. Fifty-eight to zero.

Mr. Speaker, how do we know the score? Well, embryonic stem cell research is being conducted in America with private funding, but that funding is lacking. So the labs have come to us for more money. Apparently, venture capitalists invest only in projects that are profitable, and you can see it is far from profitable here: 58 to zero.

So now we are asked to support embryo stem cell research because it is so promising, when the facts are it is not promising: 58 to zero.

Ms. DEGETTE. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from Michigan (Mr. UPTON).

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

Mr. UPTON. Mr. Speaker, I rise in support of this bipartisan bill, and I will submit today's column in The Wall Street Journal written by Dr. David A. Shaywitz, an endocrinologist in stem cell research at Harvard, for the RECORD. I would call to the attention of my colleagues this column and particularly a couple of lines that he wrote today. I must say that I am one that will be voting for both bills today, the cord bill as well as the Castle/DeGette bill; but as you compare these two bills, let me note a couple of things that this noted researcher says.

He says: ''Presently, only the few lines established prior to the date,'' this is in reference to the President's initial plan back in 2001, ''are eligible for government support, a prohibition that has had a crippling effect on researchers in this emerging field.'' It further says, it relates to the cord bill, in essence: ''It seems extremely unlikely that adult blood cells or blood

cells from the umbilical cord will be therapeutically useful as a source of anything else but blood.''

Mr. Speaker, there are few families that I know that have not been impacted by a myriad of these diseases. We need help. We need to find a cure, and that is why we need to support both pieces of legislation this afternoon.

THE STEM CELL DEBATE

(By David A. Shaywitz)

Perhaps themost underrated achievement of the modern conservative movement has been a renewed appreciation for the danger of ''junk science''—unsubstantiated scientific research that is exploited for political gain. How sad, then, that in the ongoing debate over stem cell research, many conservatives have chosen to abandon their well-founded skepticism and to embrace dubious but convenient data for the sake of advancing their cause.

The latest tempest has emerged from remarkably modest congressional legislation, proposed by Republican MICHAEL CASTLE and Democrat DIANA DEGETTE and scheduled for a vote today, which would permit federal funds to be used on human embryonic stem cell lines derived after Aug. 9, 2001. Presently, only the few lines established prior to this date are eligible for government support, a prohibition that has had a crippling effect on research in this emerging field.

Human embryonic stem cells have the potential to develop into any adult cell type. If this process of specialization could be achieved in the lab, scientists might be able to create replacement pancreas cells for diabetics, or neurons for patient with Parkinson's Disease; these treatments are likely many years away.

For some opponents of embryonic stem cell science, the argument is fundamentally one of faith: The human embryo should be held as sacrosanct, and not used for the pursuit of any ends, regardless of how nobly intended. The trouble for such dogmatic critics of embryonic stem cell research is that most Americans hold a less extreme position; given a choice between discarding frozen, excess embryos from in vitro fertilization clinics or allowing the cells to be used for medical research—specifically, the generation of new embryonic stem cell lines—most of us would choose the second. Consequently, conservative stem cell opponents have now begun to argue in earnest that embryonic stem cell research is not just morally wrong, but also unnecessary, an argument that relies on suspect science and appears motivated by even more questionable principles.

First, the science: Opponents of the Castle-DeGette legislation assert that embryonic stem cells are unnecessary because adult stem cells, as well as umbilical cord blood stem cells, will perform at least as well as embryonic stem cells, and have already demonstrated their therapeutic value. This argument appears very popular, and has been articulated by almost every member of Congress who has spoken out against the new stem cell bill.

To be sure, one of the great successes of modern medicine has been the use of adult blood stem cells to treat patients with leukemia. The trouble is generalizing from this: There are very strong data suggesting that while blood stem cells are good at making new blood cells, they are not able to turn into other types of cells, such as pancreas or brain. The limited data purported to demonstrate the contrary are preliminary, inconclusive, unsubstantiated, or all three. Thus, it seems extremely unlikely that adult bloodcells—or blood cells from the umbilical cord—will be therapeutically useful as a source of anything else by blood.

Moreover, while stem cells seem to exist for some cell types in the body—the blood and the intestines, for example—many adult tissues such as the pancreas, may not have stem cells at all. Thus, relying on adult stem cells to generate replacement insulin-producing cells for patients with diabetes is probably an exercise in futility.

For true believers, of course, these scientific facts should be beside the point; if human embryonic stem cell research is morally, fundamentally, wrong, then it should be wrong, period, regardless of the consequences to medical research. If conservatives believe their own rhetoric, they should vigorously critique embryonic stem cell research on its own grounds, and not rely upon an appeal to utilitarian principles.

Instead, there has been a concerted effort to establish adult stem cells as a palatable alternative to embryonic stem cells. In the process, conservatives seem to have left their usual concern for junk science at the laboratory door, citing in their defense preliminary studies and questionable data that they would surely—and appropriately—have ridiculed were it not supporting their current point of view. In fact, there is little credible evidence to suggest adult stem cells have the same therapeutic potential as embryonic stem cells. Conservatives often speak of the need to abide by difficult principle; acknowledging the limitations of adult stem cell research would seem like a good place to start.

Human embryonic stem cell research represents one of the most important scientific frontiers, and also one of the most controversial: Our national debate on it deserves to be informed by our loftiest ethical aspirations—but also grounded in our most rigorous scientific standards.

Mr. DELAY. Mr. Speaker, could I inquire as to the time on all sides?

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Texas (Mr. BARTON) has 3½ minutes; the gentlewoman from Colorado (Ms. DEGETTE) has 7 minutes; the majority leader has 8 minutes; the gentleman from Michigan (Mr. STUPAK) has 6 minutes; and the gentleman from Delaware (Mr. CASTLE) has 3¼ minutes.

The order of closing will be the gentleman from Delaware (Mr. CASTLE) first; the gentleman from Michigan (Mr. STUPAK) second; the gentleman from Texas (Mr. DELAY) third; the gentlewoman from Colorado (Ms. DEGETTE) fourth; and the gentleman from Texas (Mr. BARTON) last.

Mr. DELAY. Mr. Speaker, I yield 1 minute to the gentleman from Mississippi (Mr. WICKER).

Mr. WICKER. Mr. Speaker, I oppose this bill and support the President's position on embryonic stem cells.

Let's be clear. Embryonic stem cell research is legal in America today, and nothing in the administration's current policy has affected the legality of this research. The administration's policy simply provides that Federal taxpayer dollars not be used to destroy human embryos. I believe most Americans, when they understand this, agree with the administration. But this rule does not in any way limit the private sector from pursuing embryonic stem cell research.

□ 1700

But ultimately, Mr. Speaker, no one can deny that this debate involves profound ethical and moral questions. This is a matter of conscience for millions of Americans who are deeply troubled by the idea of their own funds being used to destroy another human life. For many of my colleagues, and for me, this is a vote of conscience.

Let the private sector go forward, if it must, with the destruction of embryos for ethically questionable science. But spend the people's money on proven blood cord, bone marrow and adult stem cell research.

Ms. DEGETTE. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Missouri (Mr. CLEAVER).

Mr. CLEAVER. Mr. Speaker, in Missouri's 5th District there are two individuals, Jim and Virginia Stowers, who did not seek a Federal grant, but who used $2 billion of their own money to begin some very vital research. They founded the Stowers Institute. And the Stowers Institute employs brilliant researchers from more than 20 countries around the world, and they are working with the most advanced tools to answer the questions and build the bridges between diseases and cures.

Our Nation is blessed with the greatest minds and researchers on this planet. But to whom much is given, much is required. And so, Mr. Speaker, this Nation has a wonderful opportunity right now to respond to the needs and the interests of its people.

Two boys, twin boys were in bed. One fell out of the bed in the middle of the morning, and when the parents went in to see him and asked what happened, he said, as he looked up to the bed, I think I was sleeping too close to where I got in. And that is where we are, Mr. Speaker. Even after the President has spoken, we are, as a Nation, still sleeping too close to where we got in with regard to research on stem cells.

Mr. DELAY. Mr. Speaker, could I inquire of the gentlewoman from Colorado (Ms. DEGETTE) and the gentleman from Michigan (Mr. STUPAK) how many speakers they each have left? I have four, actually five, counting me.

Ms. DEGETTE. Mr. Speaker, I have no further speakers, and I am intending to reserve the rest of my time for closing.

Mr. STUPAK. Mr. Speaker, I have one more speaker and then I plan on closing.

Mr. DELAY. With that, Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. NEUGEBAUER).

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

Mr. NEUGEBAUER. Mr. Speaker, I rise today in opposition to H.R. 810, but in strong support of adult stem cell research as it respects life.

An embryo is a human at its earliest stage of life and deserves the same respect that we give infants, adolescents and adults.

During this debate, some would attempt to justify embryonic stem cell

research on the basis that we are dealing with something other than real human beings. We use the words stem cell, but we could also use the words Nathan and Noah. These are justifications based on definitions of life that are purely arbitrary.

Indeed, a human at the embryonic stage may look a little different than a human at the adult stage, but that does not make the embryo any less a human. The embryo possesses the genetic identity as it will as an adult. It is merely at an earlier stage in life.

Just as we find it unconscionable and unethical to exploit human life in the name of science during the latter stages of life, neither should we accept the exploitation of human life at its earliest stages.

Instead, we should focus our resources on supporting medical research such as cord blood and adult stem cell research that respect human lives and have an actual track record of creating cures.

Vote against H.R. 810.

Mr. DELAY. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Speaker, as we debate this proposal, we cannot ignore the fact that every human life begins as a human embryo. Sadly, passage of this bill will put the government and taxpayers in the position of sanctioning and funding the destruction of that human life.

Now, we all feel strongly about the need for aggressive and advanced research to cure and combat the myriad of diseases that prematurely take the lives of our friends and our family members and our fellow citizens. When we lost my father to cancer, our family certainly wished that medical breakthroughs had come sooner.

That is why I am so supportive of the rapid progress being made in the fields of adult and umbilical cord stem cell research. Cord blood stem cells have already been used to treat patients, we have been hearing, for up to 67 diseases, and it is my understanding they have the potential to become any kind of cell, similar to what embryonic stem cells do.

While I recognize that many proponents of this bill offer their support with good intentions, in this case we do have clear alternatives, and I would strongly urge my colleagues to support adult and umbilical and reject this bill.

Mr. DELAY. Mr. Speaker, I would yield 1 minute to the gentleman from Nebraska (Mr. FORTENBERRY).

Mr. FORTENBERRY. Mr. Speaker, I was recently asked by a kind and gentle lady my position on stem cell research. This is always a difficult question. But I told her, I am in favor of stem cell research, research that uses stem cells from cord blood and adult stem cell sources, research that is already showing great medical promise and avoids the ethically divisive issue of the destruction of an unborn human embryo, an unborn human person.

Frankly, I did not know how she would respond. And she went on to tell me that she had MS herself. And she told me that if research found a cure using unborn human embryos, that she would not take that cure, that she could not in her conscience take that cure that sacrificed a human life.

Mr. Speaker, let us set a new standard, one that aggressively promotes good research to help the sick and injured, one that respects the consciences of tens of millions of Americans who do not wish to see their tax dollars used in the destruction of unborn human life, one that supports a consistent life ethic and gives true hope to those who are suffering in our communities.

Mr. STUPAK. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Speaker, I do rise today in strong support of H.R. 810.

Over the past two decades, three-quarters of the scientists who have won the Nobel Prize in medicine have studied or taught in the United States. And this is not a coincidence. Our Nation has created an environment that values innovation and discovery, especially in biological sciences. H.R. 810 will help America continue to lead in this crucial field.

Of course, there is more at stake in this debate than America's global standing. Stem cell research holds extraordinary potential to save lives and alleviate human suffering. I had a father who suffered from Parkinson's, a mother who passed away with Alzheimer's. And I am all the more convinced that we must pursue this research vigorously, because I believe it does have potential to yield results.

I would argue that H.R. 810 is worthy of our support not just for what it allows but for what it restricts. The bill requires that embryos be in excess of clinical need. It does not permit financial compensation for those embryos, and it requires the donor's written, informed consent.

This legislation appeals to hope, but it insists on caution as well. H.R. 810 is as thoughtful as it is ambitious. For that reason I urge my colleagues to support it.

Mr. DELAY. Mr. Speaker, I only have one more speaker before I close. So I yield, Mr. Speaker, 3½ minutes to the distinguished gentleman from Illinois (Mr. HYDE), who has been fighting for the culture of life his entire career. I am very honored to yield to him.

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

Mr. HYDE. Mr. Speaker, the reason this vote is so important is simply because the embryo is human life. It is not animal, it is not vegetable, it is not mineral, but a tiny, microscopic beginning of a human life.

Everyone in this room was an embryo at one time. I, myself, am a 192-month-old embryo. The question we face is how much respect is due to this tiny little microscopic human life. If we are truly pro-life, we should protect it rather than treat it as a thing to be experimented with.

Lincoln asked a very haunting question at a small military cemetery in Pennsylvania. He asked whether a Nation conceived in liberty and dedicated to the proposition that all men are created equal can long endure? And that question has to be answered by every generation.

What is wrong with this legislation? The motives of its sponsors are so noble. Well, I will tell you two things that are fatally wrong with this legislation. The first one is, for the first time in our national history, taxpayers' dollars are going to be spent for the killing of innocent human life. That is number one. And number two, this bill tramples on the moral convictions of an awful lot of people who do not want their tax dollars going to be spent for killing innocent human life.

Americans paid a terrible price for not recognizing the humanity of Dred Scott. We are going to pay a terrible price for not recognizing the humanity of these little embryos. We should not go down that road.

In World War II, 1940, before America got in the war, there was a publication called the Yearbook of Obstetrics and Gynecology. And Dr. Joseph DeLee wrote in that yearbook something that applies to us today. Here is what he wrote. ''At the present time, when rivers of blood and tears of innocent men and women are flowing in most parts of the world, it seems almost silly to be contending over the right to life of an unknowable atom of human flesh in the uterus of a woman.

''No, it is not silly. On the contrary, it is of transcendent importance that there be in this chaotic world one high spot, however small, which is safe against the deluge of immorality and savagery that is sweeping over us.

''That we, in the medical profession, hold to the principle of the sacredness of human life and the rights of the individual, even though unborn, is proof that humanity is not yet lost.''

I believe humanity is not yet lost, and this vote will tell us the answer to that question.

Mr. STUPAK. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding time to me, and I commend the gentleman for his leadership on this issue.

We have heard a lot of discussion of the three known forms of stem cell therapies that are hypothesized to treat all these diseases. One of the nice things about adult stem cell treatments and why I think they have been embraced, and part of the reason they have been so successful is, if you use a cell from your own body, there are no tissue rejection concerns.

If you use a cord blood or placental blood stem cell, there are tissue rejection concerns; but it is felt by the advocates of the gentleman from New

Jersey (Mr. SMITH's) bill, such as myself, that by obtaining the bank, we would be able to enter all of your genetic information and come up with a match. And one of the questions I have for my colleagues who have been an advocate for the Castle/DeGette bill is, how, if these embryonic cells were ever proven to be useful, and that has yet to be demonstrated in the literature, how would you override the tissue rejection concerns?

Mr. Speaker, it takes us to a very important part of this debate that we really have not dwelled on very much. They say there are 400,000 embryos in the freezers, but the truth is the vast majority of those embryos are wanted, and their own studies suggest only 275 cell lines will be available if this bill becomes law.

Mr. Speaker, the place we are going to have to go to make embryonic stem cell work, if it ever can be demonstrated to work, is creating human embryos for this purpose. And that really brings me to my point. If you are going to go down the road of creating human embryos, you really only have two options. You are going to need tens of thousands of women to donate their eggs, or you are going to have to clone. And that is why people like myself have been saying, wait to see what is next, because that is going to be the next debate.

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If this becomes law, we are going to be asked to embrace Federal funding for creating human life for this research. No longer using the so-called excess embryos, but either exploiting women for their eggs or worse, we are going down the path of cloning. And I assure you, if you find those options objectionable, they will be cloaked with the same kind of arguments that have been used to support this bill. People will say it is for the purpose of helping the sick and suffering. And what I have been saying over and over again, if you actually read the medical journals, the promise and the potential appear to be in the ethically acceptable alternatives of adult stem research and cord blood research.

Reject this bill. Vote ''no'' on Castle/DeGette.

Ms. DEGETTE. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I make a simple plea to save lives by supporting H.R. 810, the DeGette/Castle bill, and to help Americans who are suffering. I ask for a ''yes'' vote on H.R. 810 simply to save lives.

Mr. Speaker, I rise today in support of H.R. 810, the "Stem Cell Research Enhancement Act of 2005." As a supporter of the bill, I would argue that it is necessary to expand the number of stem cell lines that can be used in federally funded research in order to accelerate scientific progress toward the cures and treatments for a wide variety of diseases and debilitating health conditions—including Parkinson's Disease, diabetes, Alzheimer's Disease, ALS, cancer, and spinal cord injuries.

According to the National Institutes of Health, NIH, of the 78 stem cell lines that were declared eligible for Federal funding in 2001, only about 22 lines are actually available for study by and distribution to researchers. Further, NIH concludes that these stem cell lines are contaminated with "mouse feeder" cells, making their therapeutic use for humans uncertain. These NIH-approved lines lack the genetic diversity that researchers need in order to create effective treatments for millions of Americans.

H.R. 810 would expand the number of stem cell lines that would be made available under strict ethical guidelines. The stem cells would be derived from excess frozen fertilized embryos that would otherwise be discarded. It is estimated that there are currently about 400,000 frozen IVF embryos, which would be destroyed if they are not donated for research. The embryos could be used only if the donors give their informed, written consent and receive no money or other inducement in exchange for their embryos.

It is important for me to note that it is simply not true that adult stem cells offer the same, or better, potential for treating disease as embryonic stem cells. While embryonic stem cells have qualities that give them the potential to treat a wide variety of diseases and injuries, adult stem cells do not have those same qualities. Unlike embryonic stem cells, adult stem cells cannot be induced to develop into any type of cell. Furthermore, adult stem cells may not exist for certain tissues, and adult stem cells are difficult to identify, purify, and grow.

Unless Federal funding for stem cell research is expanded, the United States stands in real danger of falling behind other countries in this promising area of research. Researchers have already moved to other countries, such as Great Britain, which have more supportive policies. The recent announcement that South Korean researchers have produced cloned human embryos that are genetic twins of patients with various diseases, and have derived stem cells from them, shows just how far that country is going. While it is important to recognize that this bill has nothing to do with cloning, it is also important to recognize that other countries are moving ahead in stem cell research.

This bill provides a limited—but nonetheless highly significant—change in current policy that would result in making many more lines of stem cells available for research. It would do so under strict ethical guidelines. The measure has widespread bipartisan support. Passage of this bill would provide hope for those millions of Americans suffering from diseases that may be treated or even cured as a result of stem cell research

Before concluding, I would just mention that the National Academy of Sciences, NAS, recently issued a set of guidelines to ensure that human embryonic stem cell research is conducted in a safe and ethical manner. Because of the limitations of the current federal policy, only 22 stem cell lines are eligible for federal research and fall under the jurisdiction of National Institutes of Health guidelines. Specifically, H.R. 810 requires that:

The stem cells must be derived from human embryos that were donated from in vitro fertilization clinics, and that were created for the purpose of fertility treatment, but were in excess of the clinical need of the people seeking such treatment;

The embryos would not have been used for fertility treatment, and would otherwise be discarded;

The individuals seeking fertility treatment donated the embryos with informed written consent and without any financial payment or other inducement to make the donation.

In addition, the bill requires that not later than 60 days after enactment, HHS, in consultation with the National Institutes of Health, issue final guidelines to carry out the requirements of this bill. Finally, the measure requires HHS to report annually to Congress on the activities carried out under this bill. The report must include a description of whether, and to what extent, these activities were carried out in accordance with the requirements of this bill.

In closing, I urge my colleagues to support H.R. 810.

Listen to the following news reports which indicate this research as viable and of great need for so many.

Since the federal government's science officials have abdicated their traditional role in setting ethical rules for medical experimentation, the National Academy of Sciences has filled the void with useful guidelines for research with human embryonic stem cells. Acting on behalf of scientists around the country, the NAS last week issued stem cell research guidelines that should become a blueprint for ethical behavior in both the public and private sector. The Atlanta Journal Constitution, May 3, 2005.

Kudos to the National Academy of Sciences for ably filling the breach caused by the absence of federal guidelines on human embryonic stem cell research. While we prefer that rules governing research on human tissues be federal and enforceable, the National Academy of Sciences' new voluntary guidelines are a necessary stand-in. The Baltimore Sun, May 3, 2005.

With the federal government's role limited, research has been proceeding without clear, consistent guidelines . . . These and other recommendations are a good start toward ensuring that stem cell research is conducted in an ethical way. . . The federal government is still not doing all that it should, but these recommendations ought at least to help the private companies and states that are moving ahead with research that offers so much hope for many Americans. The Winston-Salem Journal, May 3, 2005.

The National Academy of Sciences gave a much needed boost to embryonic stem cell research last week when it issued ethics guidelines that should help researchers find a clear path through a minefield of controversial issues. . . they will give practicing scientists the assurance that they can proceed with their work while adhering to principles endorsed by a panel of distinguished scientists, ethicist, and others. The New York Times, May 2, 2005.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Delaware (Mr. CASTLE) has 3½ minutes remaining.

Mr. CASTLE. Mr. Speaker, I would like to thank both the Republican and Democratic leadership for allowing this to take place here today.

Sometimes there are issues of such critical social importance that it is

only right that the Congress of the United States do this in the open, and they did that and for that we should all be very appreciative.

I just want to leave my colleagues with some closing thoughts, perhaps some of the things I started with. There are 110 million people just in the United States of America out of 290 million who have some sort of illness that potentially could be helped by the use of embryonic stem cells. Most of those will never be helped by the use of adult stem cells. We know that anything other than just the use of adult stem cells in blood tissues has been experimental at best and probably will never work.

I would encourage everyone to use their conscience as they vote today, to think about their constituents at home. We talk about life, and I do not necessarily want to get into that argument back and forth, but the bottom line is there are a lot of lives that are being foreshortened in the United States of America and across the world that perhaps could be lived out to their fullest if that opportunity was given to the individuals involved.

Remember that this research is going on at the private sector level. It is also going on at the State level. It is even going on to a degree at the Federal level. There has been $60 million spent over 3 years on this research at the Federal level, and about $625 million has been spent on adult stem cells at the Federal level. So the research is going on at the time.

Our ethic standards in this bill, and if you read it, it is only 3 pages long, exceed any ethical standards that have ever existed before including what the President had before.

The National Institutes of Health said: ''Human embryonic stem cells are thought to have much greater developmental potential than adult stem cells. This means that embryonic stem cells may be pluripotent, that is, able to give rise to cells found in all tissues of the embryo except for germ cells rather than being merely multipotent, restricted to specific subpopulations of cell types, as adult stem cells are thought to be.''

That is where the science is. You can argue all you want, but if you do any extensive reading on this, that is where the science is. These are the stem cells which can make a difference, the embryonic stem cells.

There are discussions of dollars. There are no dollars used directly in the destruction of embryos at an in vitro fertilization clinic. There are dollars used in the research ultimately. But let us look at that. Let us consider what that is all about.

At the end, when those who have created the embryo make the decision that they no longer need or want that particular embryo, the physician has to make a decision about what to do with it. There are some options there. Not a lot of options. One of them is to give that particular embryo up for adoption. Some people do not choose to do that. There have only been fewer than 100 so far. And I think that is wonderful. I think that option should be offered.

Some people may make other decisions, but basically it will be one of two decisions if this legislation passes. One is to put it into hospital waste, warm it up to room temperature, thereby destroying it at that point and doing it that way, or to be giving it up for research. And my judgment is if that is a decision, why are we not helping the 110 million people out there who need help, as opposed to allowing this to go to hospital waste because it will happen anyhow.

If you do not like that, you better go out and lobby against what they are doing in in vitro fertilization clinics, and I do not think that we want to do that.

There are about 400,000 of these embryos. That is probably a low estimate today. That is an estimate of about 3 years ago. About 2 percent are given up a year. That is 8,000. The numbers that are more limited than that are just wrong. A lot of people now, if this passes, are going to be offered the opportunity to give up the embryo for research instead of hospital waste, and they are going to make that decision, and we will get the kind of work that we need.

I would just close by saying that 14 out of the 15 diseases that are most likely to kill people in the world are not ever going to be helped by adult stem cells. We need to do this. With your vote today you can provide hope to tens of millions of Americans and many more around the world. Support H.R. 810.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. STUPAK) has 2 minutes remaining.

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

Mr. Speaker, there has been a lot of discussion today about the quality of adult stem cells and they are not as versatile as embryonic stem cells. There are a number of things that show adult stem cells are highly versatile and just as effective if not more effective than the predicted embryonic stems.

The list of these studies is as follows:

Myth: Adult Stem Cells are Not as Versatile as Embryonic stem cells.

Fact: A number of studies show adult stem cells are highly Versatile.

1. Professor Alan Mackay-Sim of Griffith University in Australia published a study showing that olfactory stem cells could develop into heart cells, liver cells, kidney cells, muscle cells, brain cells and nerve cells. (Murrell W et al., ''Multipotent stem cells from adult olfactory mucosa'', Developmental Dynamics published online 21 March 2005.)

2. Dr. Douglas Losordo at Tufts University showed that a type of bone marrow stem cell can turn into most tissue types, and can regenerate damaged heart. ''This discovery represents a major breakthrough in stem-cell therapy,'' said Dr. Douglas Losordo. ''Based on our findings we believe these newly discovered stem-cells may have the capacity to generate into most tissue types in the human body. This is a very unique property that until this time has only been found in embryonic stem cells.'' (Yoon Y-s et al., ''Clonally expanded novel multipotent stem cells from human bone marrow regenerate myocardium after myocardial infarction'', Journal of Clinical Investigation 115, 326–338, Febru9ary 2005.)

3. In July 2004, research conducted in Germany, led by Dr. Peter Wernet found a type of umbilical cord blood stem cell, they call USSC's (unrestricted somatic stem cells), that they showed can turn into several different cell types, including brain, bone, cartilage, liver, heart, and blood cells. It showed that the cells can turn into all three germ layers, showing they are pluripotent. (Kogler G et al., ''A new human somatic stem cell from placental cord blood with intrinsic pluripotent differentiation potential'', J. Experimental Medicine 200, 123–135, 19 July 2004.)

4. In June 2004, researchers showed that human bone marrow stem cells have pluripotent potential. (D'Ippolito G et al., ''Marrow-isolated adult multilineage inducible (MIAMI) cells, a unique population of postnatal young and old human cells with extensive expansion and differentiation potential'', J. Cell Science 117, 2971–2981, 15 July 2004 (published online 1 June 2004)

5. This study shows that blood stem cells can form cells from all 3 primary germ layers, including endothelial cells, neuronal cells, and liver cells. (Zhao Y et al.; ''A human peripheral blood monocyte-derived subset acts as pluripotent stem cells''; Proceedings of the National Academy of Sciences USA 100, 2426–2431; 4 March 2003)

6. Researchers found bone marrow stem cells in females that received transplants from male donors. Researchers found the Y chromosome in the brain, showing that bone marrow stem cells generated neurons. (Mezey E et al.; ''Transplanted bone marrow generates new neurons in human brains''; Proceedings of the National Academy of Sciences USA 100, 1364–1369; 4 Feb 2003)

7. Another group of researchers showed that bone marrow stem cells can form all body tissues. (Jiang Y et al.; ''Pluripotency of mesenchymal stem cells derived from adult marrow''; Nature 418, 41–49; 4 July 2002)

8. In 2002, Catherine Verfaille has turned these bone marrow stem cells into skin, brain, lungs, heart, retina, muscle, intestines, kidney and spleen. University of Minnesota researchers found a certain type of bone marrow stem cell (called a multipotent adult progenitor cells (MAPCs)) that could be turned into the three primary germ layers (endoderm, ectoderm, ectoderm and mesoderm). (Nature advance online publication, 23 June 2002 (doi: 10.1038/nature 00870)

9. A single adult mouse bone marrow stem cell can form functional marrow, blood cells, liver, lung, gastrointestinal tract, skin, heart and skeletal muscle according to researchers Dr. Neil Theise of NY Univ. School of Medicine and Dr. Diane Krause of Yale Univ. School of Medicine (Krause DS et al.; ''Multi-Organ, Multi-Lineage Engraftment by a Single Bone Marrow-Derived Stem Cell''; Cell 105, 369–377; 4 May 2001)

Mr. Speaker, we have heard a lot of arguments. In fact, we just heard again that in fact we throw these cells away when we are done. We do not want them. There is nothing we can do with them so we should use them for medical research or else it will just be medical waste.

I must ask again, is that what we have come to as a Nation that in viewing embryos, that if allowed to grow

and divide could become human beings but we will just treat them as human waste?

The proponents of H.R. 810 are so adamant that we do research specifically using embryonic stem cells. And why embryonic stem cells? Because they are the best hope according to proponents of finding cures. They say medical science can unlock these keys to life. We can cure any illness, any disease, or any injury.

The proponents argue we must create life, the embryo, and then destroy the embryo through research to unlock the mysteries of life; create and clone the building blocks of life so we can manipulate and experiment. I believe as a country and as a culture that is a line we should not cross.

We heard today about other research with adult stem cells, cord, placenta, bone marrow, fetal tissue, and how about unraveling our DNA through the mapping of the genome, all in the pursuit of finding medical cures.

But where do we draw a line on medical research and say we as a Nation, as a people, will not cross that line? This question has not been adequately addressed in this legislation.

When do embryos become life? We have heard all kinds of figures today. After 40 hours? That is less than 2 days after fertilization when we are able to check embryos for division and fertilization. Or is it 5 days when the embryos may be called blastocysts? At this stage, they are approximately 250 cells. Or do we allow the blastocysts to survive in the laboratory culture for up to 14 days and still then not call them human life, but blastocysts so they are open to experiment and research?

When does life become scientifically non-existent? That is the question as elected representatives we have not yet answered. H.R. 810 does not answer that. Vote ''no'' on H.R. 810.

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

Mr. Speaker, what we have before us today is not a debate as some have suggested between science and ideology, but between aspirations and actions. Both sides of this debate wish to ease human suffering.

So what divides us is not our ends, but the means to which we would resort to pursue those ends. That is why the Castle bill must be defeated, because while we are motivated by our aspirations, we are defined by our actions; and the Federal Government simply cannot sanction the actions authorized and funded by this legislation.

For all the arguments we have heard today, scientific, ethical, political, the debate for and against the Castle bill, for and against the authorization of Federal taxpayer dollars to fund medical research predicated on the destruction of human embryos is in essence a question of the level of respect and dignity our government chooses to grant human life in its earliest stage. That embryos are human beings is not a political dispute. An embryo is a person, a distinct, internally directed, self-integrating human organism. An embryo has not merely the potential to become a human being. It is one, and as such, just like a newborn or a toddler or a teenager, possesses instead the internally directed potential to grow into adulthood, to become in a sense what he or she already is.

An embryo is whole, just unfinished, just like the rest of us. We were all at one time embryos ourselves, and so was Abraham, so was Mohammed, so was Jesus of Nazareth and Shakespeare and Beethoven and Lincoln. And so were the 79 children, those snowflake children, those snowflake children ages 6 and under who have been adopted. Do not throw them away. Adopt them.

These children have been adopted through different programs, but particularly the Snowflake Embryo Adoption Program, who under the Castle bill and its predictable progeny might otherwise have been destroyed in a petri dish, these children that were embryos.

An embryo is nothing less than a human being, a fact both morally intuited and scientifically unquestioned. What level of respect and dignity, then, should our government grant such little creatures, these tiny beings who our eyes suggest are not like us but who our hearts and minds know in fact are us?

The Castle bill is very clear, and though I oppose it, its clarity well serves both sides in this debate. The Castle bill says essentially that the potential medical and scientific progress represented by an embryo's stem cells justifies, justifies taxpayer funding for the destruction of that embryo through the harvesting of the stem cells.

Of course, it is not the hoped-for end of the Castle bill that we oppose, nor necessarily, among some on this side of the aisle, even its destructive means, but instead the entitlement of those destructive means to Federal tax dollars.

After all, human embryos are being harvested for medical research every day in this country. We just do not think the government should be forcing the American people to pay for it, especially considering the discouraging track record of the kind of research the Castle bill has in mind.

To date, Mr. Speaker, none, none, not one of the countless and extraordinarily well-endowed private embryo-cell-harvesting projects has yielded a single treatment for a single disease. Not one.

Embryonic stem cell therapies which are by design definitely untherapeutic to the embryos have in fact proven to be similarly harmful to those patients the treatments were supposed to help.

Harvested embryonic stem cells are typically rejected by the host patient and often form cancerous tumors as a byproduct of that rejection. That is to say, Mr. Speaker, it does not work.

And, indeed, many embryonic stem cell experts concede that such research will not yield results for decades, if at all, if ever. In truth, then, it is not the ends that would supposedly justify the grizzly means of the Castle bill, but the mere aspiration to those ends.

On the other hand, better developed stem cells from the umbilical cords of newborn babies and the bone marrow of fully grown adults have led to treatments of no fewer than 67 separate diseases.

Based on this successful track record, the biomedical industry is pouring its own money into adult stem cell research. It is the smart investment.

In other words, Mr. Speaker, the Castle bill would throw taxpayer money at the same unsuccessful research that companies with the financial motivation for developing such research are avoiding. It just does not work.

Indeed, one might say the stubborn advocacy of embryonic harvesting in the face of the overwhelming clinical evidence of its futility might be a genuine case of ideology trumping science.

But what if it did work, Mr. Speaker? What if all the Utopian comments of the Castle bill's proponents were to come true? What then?

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What if we could be sure that government-funded destruction of human embryos could do all the things we are asked to believe? Well, in that case, Mr. Speaker, we would still be right to oppose it because in the life of men and nations, some mistakes you cannot undo. Some mistakes do not just come back and haunt you, they define you.

A decision by our government to sanction embryo harvesting here at the very dawn of the biotechnology age could come to own us, for the paltry research sum envisioned by the Castle bill is but the first generation, the first drop of the deluge. Its offspring will ultimately include cloning, genetically engineered children, a black market of human body parts, and a global economy organized around the exploitation and hyper-ovulation of impoverished women and girls for their eggs.

If the mere aspiration of ends justify the means here, in our first ethical challenge of the biotechnology age, how could we hope for a higher standard the next time? Which returns me to the irreducible question of this debate: What level of respect and dignity ought this government grant defenseless unburdensome human life at its earliest, most vulnerable stage?

Given the biological fact of a human embryo's membership in the human family, given the technological necessity of embryonic destruction as a precondition of embryonic stem cell research, given the medical reality of embryonic stem cell research's consistent therapeutic failure, given the moral catastrophe of means-justifying-the-ends morality, and given the physical revulsion people instinctively feel when considering the destruction of defenseless human life by scientists in lab coats; given all these factors, the

answer a proponent of taxpayer-funded embryonic stem cell harvesting and research must give is ''none.'' For if we afford the little embryos any shred of respect and dignity, we cannot in good faith use taxpayer dollars to destroy them.

I wish there was another way, Mr. Speaker, but there is not. It is just wrong, not as a matter of ideology or even fate, but as a matter of respect and dignity.

We are not asking anyone here to recognize the rights of human embryos, but the wrongs of human adults. This is not about the embryo's standing as a juridical person, but our standing as moral persons. Because the choice to protect a human embryo from federally funded destruction is not ultimately about the embryos, it is about us and our rejection of the treacherous notion that while all human lives are sacred, some are more sacred than others. I heard it said here today, Some are more sacred than others.

Like our embryonic cousins, Mr. Speaker, our Nation is whole but unfinished. The issue is a test in which we are asked out of good and pure intentions just this once, just this tiny little bit, to let the ends justify the means, to let the noble aspirations justify ignoble actions.

In this test, in this vote, then, we have an opportunity today to speak truth to the power of biotechnology, to rise up against the prevailing winds of human excess and hold fast to the dignity of human life upon which all other worldly truths are based: to ensure our appetite for knowledge is checked by our knowledge of our appetites; to stand up, as only America can, in the name of the least among us, whom we serve, and become the people we are.

I ask my colleagues, seize the opportunity and vote ''no.''

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

Mr. Speaker, first I would like to give my heartfelt thanks to my partner, the gentleman from Delaware (Mr. CASTLE), our bipartisan whip team, the 201 cosponsors of this bill, and so many others who spoke today from the bottom of their hearts.

More than 100 years ago, Justice Oliver Wendell Holmes recognized that we are living in an increasingly complex world and that ''the chief worth of civilization is just that it makes the means of living more complex.'' This world, he says, ''calls for great and combined intellectual efforts instead of simple, uncoordinated ones.''

The truth of Justice Holmes' words in today's complex world is best seen in the state of scientific research. We are on the verge of breakthroughs that will cure diseases that affect tens of millions of Americans. Yet some want to turn away from this potential, to refuse to even acknowledge its existence, simply because they do not understand the complexity of this issue. This refusal is slowing the process of ethical science and, worse, delaying advancements that could cure diseases that affect patients and families around the world.

Our constituents want more from us. They want their elected officials to thoughtfully examine tough issues like embryonic stem cell research, and create policies that address both practical and ethical challenges. They also expect us to consider these issues not as Democrats or as Republicans, not as pro-life or pro-choice, but as people with family members and friends whose lives could be made better or even saved by our decisions.

Passing H.R. 810 will allow the Federal Government to enable scientists, not politicians, to determine whether embryonic stem cell research will lead to cures for diseases that now plague us, and it will do so while establishing the clear and strict ethical guidelines that are absent today.

In 2001, the President issued his executive order establishing the current embryonic stem cell research policy in an attempt to balance bioethics and science. In the last 4 years, it has become clear that the policy has failed on both counts. Research has been stymied in this country, going into private hands and offshore. Research moves ahead, but not with the resources and coordination of the National Institutes of Health and without clear ethical standards.

I recognize that new science creates new moral dilemmas. That is why our bill sets explicit controls on how stem cell lines can be created. It gives another option for embryos created for in vitro fertilization, embryos created in petri dishes, that would otherwise be destroyed so that they can be used to potentially save or extend lives. It gives the patients for whom the embryos are created the decision on how they will be used: as now, freezing for possible future use; discarding them as medical waste or donating them to other couples for implantation; and if this bill passes, another option, donating them for critical research that could save millions of lives of people who are already born.

Here is why we need to pass this bill. These are two young brothers from Denver, Colorado. Wyatt and Noah Forman. Both of these boys have Type 1 diabetes, and both of them have been diagnosed since they were 2. A couple of months ago, little Noah had convulsions in the middle of the night from low blood sugar. His parents thought they would lose him, and now they cannot sleep at night. Without a cure, Wyatt and Noah face possible complications ranging from a heart attack to kidney failure or even blindness as they grow up.

How can we tell these boys, these two boys and millions of others, that we would rather throw the embryonic stem cells that could provide them a cure than to allow them to be donated for science? How can we tell our colleagues, the gentleman from Rhode Island (Mr. LANGEVIN) and the gentleman from Illinois (Mr. EVANS), our mothers with Alzheimer's, our brothers with Lou Gehrig's disease, the millions of Americans who are praying for a cure and for whom embryonic stem cell research may hold the key, Sorry, the Federal Government is opting out?

Let us not let 1 more year, 1 more month, or 1 more day go by without acting. Let us reclaim the Federal Government's role as the leader in ethical basic research. Let us give those whom we are sworn to represent hope. Let us pass H.R. 810.

Mr. BARTON of Texas. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from Pennsylvania (Mr. DENT).

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

Mr. DENT. Mr. Speaker, I rise in support of H.R. 810.

Mr. Speaker, I rise today to speak on behalf of H.R. 810, the Stem Cell Research Enhancement Act of 2005.

Today there have been bills presented that discuss, among other things, the merits of embryonic stem cell study versus cord blood cell utilization. This discussion, while interesting, misses the point of promoting stem cell research in general: Scientific breakthroughs that may originate from stem cell examination have the power to better, and even save the lives of our fellow citizens afflicted with terrible diseases. Stem cell research holds out hope for those suffering with, for example, diabetes, Parkinson's, and coronary heart disease, the number one killer of adults in this country. We must encourage this research, and the legislation offered by my colleagues from New Jersey and Delaware is an important step forward in our attempts to find cures for these diseases.

Moreover, the Stem Cell Research Enhancement Act promotes the establishment of ethical standards with regard to the procurement of embryos utilized in the research. The only embryos that can be utilized are ones that were originally created for fertility treatment purposes and are in excess of clinical need. Further, the individuals seeking fertility treatments for whom those embryos were created have determined that these embryos will not be implanted in a woman and will be otherwise discarded. Finally, these same individuals have provided written consent for embryo donation.

The development of standards, both ethical and clinical, is an important aspect of stem cell research. This bill directs that the National Institutes of Health develop guidelines to insure that researchers adhere to the highest possible principles in scientific inquiry. Here we have a unique opportunity to establish national standards that will become the benchmark for scientific study throughout the world. By encouraging scientific breakthroughs while at the same time observing the highest possible standards of ethical and clinical behavior, we can go a long way towards battling genetically-based diseases that have ended the lives of so many.

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

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

Mr. Speaker, first of all, I want to thank the majority leader, the gentleman from Texas (Mr. DELAY), for

the tenor of the debate today and for granting extended time and making sure all points of view have been heard on this important issue.

Although I am going to vote for Castle/DeGette, I do not necessarily speak as an advocate for its passage as much as I want to speak about why I have decided to vote for it.

I respect Members on both sides of this issue. I made sure that members of the committee I chair, the Committee on Energy and Commerce, regardless of their position, had an opportunity to speak and put their comments on the record.

I come at this as a 100 percent pro-life, lifetime, voting Member of Congress. As I said earlier, this will be my second vote this year where I have not adopted the pro-life position. So I am not quite 100 percent any more, but I would think that 99.8 percent over 21 years qualifies me as a pro-life Congressman.

I have also voted numerous times for our defense bill, where we have voted hundreds of billions of dollars to defend our Nation and put our young men and women at risk, some of them that might have to give up their lives. I have voted for many bills for our law enforcement officials, where again they may have to give up their lives to protect the common good.

Now, you might say, yes, but in those instances they were adults and they had free will and they voluntarily made a choice that they might have to sacrifice their lives.

Well, I accept and support that an embryo is a life. I agree with the gentleman from New Jersey (Mr. FERGUSON) that we were all embryos once. I understand that. And, obviously, at 7 days or 14 days, embryos do not have consciousness. They do not have free will. They do not have the neuro cells or brain cells to make a decision whether they want to voluntarily make a sacrifice. I understand that.

But I would say this: If they did, out of the 400,000 that we think may be in existence, if you narrow that down to the 2.8 percent that the gentleman from Texas (Mr. DELAY) talked about that are probably not going to be used for reproductive purposes, if they did, would not some of them, knowing the stakes, volunteer? It only takes one, the right one, that magic silver bullet embryo that creates that magic stem cell that can be replicated into any of the 200 cell lines that make up the human body.

If I had that opportunity, might I not take advantage of it? Somebody would. And since they cannot, because they do not have consciousness, under a traditional law in this United States of America we give custody to the parents. A parent will make a decision at some point in time, or a family member will make a decision at some point in time that perhaps they do not want to put up for adoption, which is the decision I would make.

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Why not? In addition to the cord blood bill that we have just passed, why not make it possible for some of these under the conditions in the Castle/DeGette bill for some to be used for research purposes. It does not take many. I respect those who say, no, you cannot do it at all. But I also say given a choice, let us err on the side of opportunity. That is why I am going to vote ''yes.''

Mr. CARDIN. Mr. Speaker, I rise in support of H.R. 810. This bipartisan legislation will enhance existing stern cell research and help our nation's scientists make significant progress toward the development of treatments for conditions affecting more than 100 million Americans.

But this is not just about Americans. For years, our country has led the world in medical advancements, and people from around the globe travel here for medical education as well as for lifesaving care. Today, the House is considering opening new lines of research—research that will help the United States retain its place as a world leader in this burgeoning new field, while helping to alleviate the pain and suffering of many around the world.

Current federal policy, put into place by President Bush on August 9, 2001, allows federal funds to be used to support research from the stern cell lines that existed on that date, but it bans the creation of additional stern cells from embryos that are stored at in vitro fertilization clinics. To many observers, this policy seemed a reasonable compromise at the time, as many scientists believed that the existing 78 stern cell lines would be available for use. In fact, only 22 lines are available and some of these were found to have been contaminated from contact with mouse ''feeder'' cells. In addition, the 22 available lines were developed using science that has since seen significant improvements. Scientists at the National Institutes of Health report that these lines also lack the genetic diversity necessary to perform extensive research for diseases that disproportionately affect minorities. These deficiencies decrease the overall number of opportunities available for our scientists and undermine potential progress in the stern cell field. In essence, our policy has discouraged scientific exploration by restricting the extent of research. It is wrong for Congress to tie the hands of our scientists while millions of Americans suffer.

Since the President's policy was implemented, I have heard from hundreds of Marylanders who have been diagnosed with debilitating illnesses, including leukemia, diabetes, Parkinson's disease, Alzheimer's disease, and spinal cord injuries. They are grateful for the federal research funding that Congress has provided in past years, particularly the doubling of the NIH budget over a five year period, and they look to the future with hope that more effective treatments and someday, cures, will be forthcoming.

I have also heard from the academic medical centers across the country. These are the places where the most complex medical procedures are performed, where medical school graduates from around the world are trained, where our most groundbreaking research is conducted. Two of the finest academic medical centers are located in Baltimore—the University of Maryland Medical Center and the Johns Hopkins University Medical Center. This bill presents an opportunity to expand their ability to make life saving and life extending discoveries.

Some of my colleagues have raised ethical concerns about stem cell research, and I believe that this bill effectively addresses these concerns. The authors of this bill, Mr. CASTLE and Ms. DEGETTE, have written this legislation so as to not encourage the creation of human embryos for research or for any other purposes. This bill stipulates that all embryos used for research must have been originally created for in vitro fertilization and are in excess of clinical need; it requires that the embryos would not have been implanted and would have otherwise been discarded; and it requires donors to provide written consent before embryos may be donated for research. These guidelines are ethically sound; they help ensure that enhancing stem cell research policy will not come at the expense of respect for human life.

It is not certain that stem cell research will result in cures, but it is fairly certain that if we close off promising avenues, such as stem cell research, finding those therapies and cures will take much longer.

In 2001, two months before President Bush issued his stem cell policy, Sue Stamos and her daughter, Faith, came to visit me in my office. At the time, Faith was three years old—a very brave little girl who had been diagnosed with juvenile diabetes. Sue asked for my support for federal research to help find a cure for Faith, and I promised to do everything I could to help. Back in June of 2001, our knowledge of stem cell research's potential was nowhere near what it is now, and we did not yet know what the President would propose. Today, we have much broader and deeper knowledge about the scientific possibilities of stem cells, but much less capacity to research stem cell lines than we had anticipated. Today, I will vote to keep my promise to Sue and Faith Stamos and to the thousands of other Marylanders who are waiting for cures. I will vote to expand the stem cells lines available for federally funded research.

Mr. Speaker, in closing, I must note that stem cell research is a controversial and emotional subject. It touches on questions of human suffering, medical ethics, scientific potential, the role of government, moral considerations, and life itself. H.R. 810 strikes the right balance. It encourages research, but it does not encourage the creation of embryos for research purposes. It allows us to support the efforts of the brilliant scientists in our research institutions who have dedicated their careers to alleviating the suffering of others. It allows us to honor the wishes of in vitro fertilization donors who want to make a contribution toward medical advancement. It was right for the leadership to allow a vote on this important bill, and it is right for the House to pass it.

I urge my colleagues to join me in supporting H.R. 810.

Mr. HIGGINS. Mr. Speaker, I rise in strong support of H.R. 810, to provide for human embryonic stem cell research. The measure is a crucial first step toward helping millions of people who suffer today from diseases that are currently without treatment. By broadening the federal government's investment in this nascent technology, I am confident that we will be able to offer help to these men, women,

and children that would be impossible by conventional means.

The room for growth in embryonic stem cell research is exponential. According to the National Institutes of Health, this work may one day be used in gene therapy and to overcome immune rejection. Heart disease, Alzheimer's, Krabbe disease and stroke are just a few of the maladies that this research could help to treat and eventually cure.

My region in Western New York has a number of great research institutes that boast a rich history of tackling devastating health afflictions. For example, Roswell Park Cancer Institute (RPCI), located in Buffalo, implemented the nation's first chemotherapy program.

RPCI's Center for Pharmacology and Therapeutics is one of few in the nation capable of all phases of drug development, from the conceptual stage through manufacturing and testing. This year, RPCI's strong basic and clinical research programs attracted major research grants and contracts totaling more than $75 million. The Institute has sponsored or collaborated on more than 350 clinical trials of promising new cancer treatments and its developing cancer genetics program will rival the world's leading programs in that field.

The Institute has also made significant contributions to the landmark human genome project, and its new Center for Genetics and Pharmacology will adjoin the University at Buffalo's Center of Excellence in Bioinformatics and Life Sciences and the new 72,000 sq. ft, $24 million Hauptman-Woodward Medical Research Institute building that opened less than two weeks ago. The three centers form a state-of-the-art life science cluster in downtown Buffalo that will transform lives in my district and across the world through the cutting edge stem cell and genomic research.

Western New York has made a commitment to curing disease, caring for the sick and preventing the needless loss of life wherever possible. Our innovative institutes, led by some of the best researchers in the world, can make an immeasurable difference in people's lives. It would be unconscionable, now that we are so close to the ability to use stem cells to fight off the diseases and maladies that plague us, for us to turn our backs and withhold that care. Mr. Speaker, I urge the House to pass H.R. 810. We have the tools to save lives; it is now our duty to use them.

Ms. ESHOO. Mr. Speaker, today the House is considering H.R. 810, the Stem Cell Research Enhancement Act of 2005, which expands funding for embryonic stem cell research. As an advocate of stem cell research, I'm proud to be an original cosponsor of this legislation because I believe that this critical research can lead to cures for Type 1 Diabetes, Parkinson's disease, Alzheimer's disease, paralysis caused by spinal cord injury, and other serious health problems.

Over 3,000 people die every day in the United States from diseases that may some day be treatable as a result of stem cell research. Now is the time for Congress and the Administration to recognize that the current policy does not work.

In 2001, President Bush crafted a policy to allow limited federal support for some embryonic stem cell research. Four years later, however, it's clear that his policy has hindered progress. Today, of the 78 stem cells lines approved for federal research, only 22 are available to researchers. These 22 lines are not only contaminated but were also developed with outdated techniques.

Under H.R. 810, embryonic stem cell lines will be eligible only if embryos used to derive stem cells were originally created for fertility treatment purposes and are in excess of clinical need. Today, there are thousands of surplus embryos from fertility treatments that will never be used and will likely be discarded. We should allow parents to donate these embryos for use in federally-funded stem cell research.

This November, my home-state of California approved a $3 billion ballot initiative supported by Governor Schwarzenegger to fund embryonic stem-cell experiments. It is the largest state-supported scientific research program. This initiative puts California at the forefront of the field and exceeds all current stem cell projects in the United States.

However, with the Federal Government on the sidelines, scientists are still reluctant to pursue stem cell research and the private sector is unwilling to invest in the field. We are losing ground to the rest of the world. As the Washington Post reported last Friday (May 20, 2005), South Korea is leapfrogging ahead of us and is developing techniques proving that stem cell research is robust.

Now, the public, researchers and industry are looking to Congress for leadership. Stem cell research should not be about politics. It should be about science, medicine and hope. We have an opportunity to help end the suffering of millions of people with chronic or terminal diseases, and we should seize it.

Stem cell research is not only critical to saving lives but it also stimulates our Nation's economy. Stem cell research is the next ''big thing'' in biotechnology after the human genome project. Long-term economic growth depends on productivity, productivity depends on technology, and technology ultimately depends on basic science, which is why any policy restricting federal funding for embryonic stem-cell research threatens the long-term health and vitality of the U.S. economy. Biotechnology is at a stage of development similar to where information technology was in the late 1980s—ready to explode.

For our leadership in science and technological leadership, where innovative leading-edge research is carried out matters a great deal, but under the current policy we're leaving the field even before the game has begun.

Now the President has said he will veto this bill. He may succeed in stifling stem cell research in our country, but he will not stop scientific progress. It will occur elsewhere. If the U.S. fails to embrace stem cell research, we will only slow progress in treating disease and cede our leading role as a technological leader.

The Federal Government should be in the business of encouraging and assisting research that can help save the lives of its citizens. The Stem Cell Research Enhancement Act of 2005 accelerates scientific progress toward cures and treatments for a wide range of diseases while simultaneously instituting stronger ethical requirements on stem cell lines that are eligible for federally funded research.

I urge all my colleagues in the House to support this legislation.

Mr. MEEHAN. Mr. Speaker, I rise in support of H.R. 810, the Stem Cell Research Enhancement Act, to put science and compassion ahead of ideology and fear.

The promise of embryonic stem cells is that they alone have the potential to develop into any kind of body tissue, including blood, brain, muscle, organ, or nerve tissue. Scientists believe that this unique ability might lead to breakthroughs in a number of illnesses that are now untreatable. Over 100 million Americans suffer from diseases and conditions that may one day be treated using stem cell therapies, including Alzheimer's, Parkinson's, juvenile diabetes, Lou Gehrig's disease, severe bums, and spinal cord injuries.

For the very reason that we do not yet know what kind of treatments stem cell research will yield, it would be unwise not to explore the possibilities.

As one researcher at Harvard Medical School and Boston's Children's Hospital recently wrote in the New England Journal of Medicine, ''the science of human embryonic stem cells is in its infancy.'' Restricting stem cell research now ''threaten[s] to starve the field at a critical stage.'' It's critical to understand the science of stem cell research to weigh the moral and ethical issues involved. This bill allows funding of research on stem cells that are harnessed from fertility clinics.

In vitro fertilization is a technology that has allowed millions of couples to share in the joy of childbirth. It results in the creation of embryos that are never implanted into the womb, never grow to be more than a handful of cells, and would otherwise be discarded. Harnessing stem cells for medical research from fertility clinics is a compassionate, pro-family, and pro-life position.

As one of the world's foremost centers of medical research, Massachusetts has much at stake in the stem cell debate. Not only are our hospitals, research facilities, and institutions of higher learning on the cutting edge of conquering disease, they are also major economic drivers keeping us competitive in the global economy and employing tens of thousands of people.

Massachusetts has over 250 biotech firms. That is more than all of Western Europe combined.

If we continue the current ban on stem cell research, it does not mean that research will stop elsewhere. But it would put America—the world's most powerful engine of innovation and progress—on the sidelines.

Mr. Speaker, America should be leading the world in using our compassion and our scientific knowledge to develop lifesaving therapies. I urge support for H.R. 810.

Ms. LEE. Mr. Speaker, as an original cosponsor of H.R. 810, I rise in support of the Stem Cell Research Enhancement Act.

I want to applaud my colleagues Rep. CASTLE and Rep. DEGETTE for working together to introduce this common sense bi-partisan measure.

Mr. Speaker, we know that our population is aging. Debilitating chronic diseases like cancer, Parkinson's, Alzheimer's, and diabetes are becoming far more common.

Diabetes in particular is a huge problem, and like many other diseases, minority communities are disproportionately affected by it.

In my district in Alameda County, approximately 13.4 percent of African Americans have been diagnosed with diabetes compared to 4.5 percent of Whites. And the diabetes death rates of Latinos and African Americans are as high as 2–2.5 times those of Whites.

Expanding the number of embryonic stem cell lines available for research will assist scientists to develop therapeutic treatments and

cures for diabetes and a range of other diseases.

By passing this bill we will not only help to improve the health and well being of the public, but we will also help to eliminate future chronic health care costs and improve the health of our economy as a whole.

I urge my colleagues to support this bill.

Mr. SWEENEY. Mr. Speaker, it is important that I give voice to the important issue of stem cell research. This is not an issue that anyone takes lightly. Life is precious in all forms, and it is important to do all that we can to ensure issues surrounding life and quality of life are given the highest priority.

Millions of Americans suffer from debilitating diseases like Juvenile Diabetes, Parkinson's disease, Alzheimer's and a host of other diseases that reduce the quality of life or cause loss of life. Stem cells derived from embryos have shown tremendous promise in the fight to rid society of many of these diseases. In 2003 alone there were 1,681,339 deaths from diseases that could benefit from this research.

Many couples across America struggling to have children benefit from In Vitro Fertilization, a process where embryos are created to provide couples with the potential to have children. In many cases, couples have left over embryos that would be destroyed. This legislation simply provides the opportunity for those embryos to save lives already being lived.

Lives being lived by people like Tambrie Alden from Glens Falls, NY. Tambrie has had Juvenile Diabetes for 28 years. She goes through 10 daily finger sticks a day and has worn an insulin pump for 10 years. Each day brings a different battle for Tambrie; she must constantly monitor the highs and lows of her condition. Tambrie has had over 200 laser eye surgeries due to Juvenile Diabetes, which also continues to attack her organs ability to function properly.

On Sunday, Tambrie turns 47. She celebrates every birthday to the fullest, because when she was diagnosed with Juvenile Diabetes, the doctors told her she would not live past 43. Tambrie lives on borrowed time and worries about losing her sight and not being able to see her grandchildren grow up. She knows that embryonic stem cell research probably won't help her, but she prays the promise it holds will ensure that her grandchildren don't have to suffer as she has. That's why we are here today, to make sure that people like Tambrie can live their lives to the fullest.

This action is limited to promoting responsible research with embryos that would be destroyed otherwise. Congressional oversight on this ethically sensitive issue is the right balance to ensure that our nation remains diligent in our approach to medical research, while taking important steps to improve the quality of life for those who suffer from debilitating diseases.

The bill establishes strict standards for use of fertility clinic embryos. First, written permission is required of the couple donating the embryo. Second, there can be no financial compensation, much like organ donation. Finally, the legislation requires the National Institutes of Health to establish strict oversight for the scientific community to ensure ethical guidelines are adhered to.

Embryonic stem cell research is a new form of research in the early stages. I am fundamentally opposed to cloning embryos or creating embryos for scientific research. This legislation does not a ow cloning, it merely ensures that embryos already created and unused serve a higher purpose than being destroyed.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in support of H.R. 810, the Stem Cell Research Enhancement Act and H.R. 2520, the Stem Cell Therapeutic and Research Act that we debated earlier today. Both bills would expand stem cell research, which holds tremendous promise to curing and treating some of the most devastating diseases and conditions facing Americans today. This issue is about medical research coupled with high ethical standards and providing hope to those most in need—it should have no role in any party's political agenda.

In 2001, President Bush announced that for the first time federal funds could be used to support limited research on human embryonic stem cells, specifically ''existing stem cell lines where the life and death decision has already been made.'' Under this policy, only 78 embryonic stem cell lines are eligible for use and according to the National Institutes of Health (NIH), only 22 of those lines are viable for human research. Since 2001, 128 embryonic stem cell lines have been developed that are ineligible for federally funded research.

Both bills—the Stem Cell Therapeutic and Research Act that would create a new federal program to collect and store umbilical-cord-blood cells and expand the current bone-marrow registry program and the Stem Cell Research Enhancement Act that would increase the number of stem cell lines that can be used in federally funded research—establish much-needed ethical standards and expand the possibilities of stem cell research for new treatments and cures.

According to the NIH, in the United States more than 4 million people suffer from Alzheimer's disease; one in every four deaths is from cancer; and every hour of every day, someone is diagnosed with juvenile (type 1) diabetes. These brave individuals battling life-threatening and debilitating diseases are not responsible for policy or debate, but they will be the ones most affected by the outcome of today's vote.

The President was quoted by the Associated Press over the weekend saying, ''I made it very clear to the Congress that the use of federal money, taxpayers' money to promote science which destroys life in order to save life is—I'm against that. And therefore, if the bill does that, I will veto it.'' This legislation will not create life for the purpose of destruction. These bills will expand the scope of research that the Bush Administration has already approved. It is unfortunate President Bush would dash the hopes of so many people looking for medical answers through research.

Mr. Speaker, I urge my colleagues join me today in advancing science and supporting H.R. 810. Congress and the Administration must not withdraw from progress, but embrace the immense opportunities that expanded stem cell research can have for the future and wellbeing of our Nation's public health.

Mr. SALAZAR. Mr. Speaker, I rise today to express my support for the Stem Cell Research Enhancement Act, H.R. 810. I would like to thank Representatives CASTLE and DEGETTE for their leadership on this important issue.

Recent advancements in medical technology have created hope for the millions of people, and their families, who suffer from the effects of diseases like Alzheimer's, Parkinson's, and diabetes. Stem cell research may hold the key to better treatment options, and even a cure, for diseases like these and others.

Many of us will have lasting images of President Ronald Reagan and Christopher Reeves as their frail bodies deteriorated over the years. And I will never forget my own father's battle against Alzheimer's and how his slow deterioration and passing impacted our family. Their personal health battles took on a new meaning as the public debate heated up over the merits and ethics of embryonic stem cell research.

As we look towards the future of medical research, we must always proceed with strict ethical caution. I believe the Castle/DeGette legislation meets this criteria by establishing strict requirements for which new embryonic stem cell lines would be eligible for federal funding. Federal funding of embryonic stem cell research would mean that research could advance at a faster pace while providing stringent requirements and oversight of the research. National and international involvement is needed to ensure research institutions and companies do not intentionally or unintentionally overreach their bounds.

Mr. EMANUEL. Mr. Speaker, as an original cosponsor of H.R. 810, the Stem Cell Research Enhancement Act of 2005, I rise in strong support of this legislation. H.R. 810 is essential legislation that will expand opportunities for scientists to treat spinal cord injuries, multiple sclerosis, Parkinson's disease, Alzheimer's disease, diabetes, and other devastating diseases.

There are ethical concerns over the use of embryonic stem cells in research, and we should not treat stem cells as just another laboratory product. We must strongly prohibit unethical practices, such as human cloning. And we should not allow embryos to be bought and sold.

But it is important to recognize that, as part of the process of in vitro fertilization, many embryos are created that are never used and are slated to be destroyed. With the stringent moral safeguards established by this legislation, including the required written consent of the donors, I believe we should permit the use of stem cells from these embryos. The use of embryos for research that would otherwise be destroyed strikes a responsible balance between the ethical and medical values associated with stem cell research.

The current state of stem cell research suggests that there is significant progress to be made if we move forward in this area. Leading scientists have testified that adult stem cells and umbilical cord stem cells do not share the ability of embryonic stem cells to replicate all other cells in the human body. If we don't invest in stem cell research, millions of Americans with some of the most debilitating diseases will not be able to avail themselves of the treatments or cures that might result.

In addition, if we fail to invest federal resources in embryonic stem cell research, the U.S. will lose its competitive advantage in this essential area of science. The limited federal support for stem cell research is just one area of science in which the U.S. is falling behind. Last year China produced 160,000 more engineers than we did. Nearly 40 percent of U.S. jobs in science or technology requiring a Ph.D.

are now filled by people born abroad—that's up from 25 percent in 1990. We now rank below 13 other countries—including Japan, Germany, and South Korea—in the percentage of 24-year-olds with a college degree in a science or engineering field—that's down from third in the world 25 years ago.

Mr. Speaker, this legislation will help the U.S. to move forward on our moral imperative to perform stem cell research in an ethically responsible way. I urge all of my colleagues to support it.

Ms. HARMAN. Mr. Speaker, the promise for curing a whole host of debilitating diseases is brighter than it's ever been. Today, Congress has the opportunity to capitalize on breakthrough scientific research to help millions across our country.

Representatives CASTLE and DEGETTE have crafted this bill meticulously, which would allow the use of surplus embryos from in vitro fertilization treatments and require donor consent. It does not allow stem cells to be sold for profit. This legislation takes an ethical and moral approach to a challenging subject, and throughout is respectful of the value of life.

Real political courage and leadership—on both sides of the aisle, in the House and Senate—was required to bring us to this point. People from every point along the political spectrum—from Nancy Reagan to the late Christopher Reeve—have embraced the promise and potential of stem cell research.

Parkinson's, cancer, Alzheimer's, juvenile diabetes, spinal cord injuries—cures for these and other serious ailments may lie in stem cell research. We owe it to generations of suffering Americans and their families to help find treatments that could lead to full recovery.

Many in this body like to talk about ''values.'' Today, I say to them: using discarded embryos to find scientific cures for fatal diseases is our moral obligation. Saving life is precisely what we all care about.

Mr. Speaker, a vote for H.R. 810 is a vote to save lives. I urge all my colleagues to support this bipartisan, bicameral legislation.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I have been watching today's proceedings from California as I recuperate from surgery. I feel compelled to reach out to my colleagues to underscore the utmost importance of H.R. 810, the ''Stem Cell Research Enhancement Act.''

H.R. 810 is a comprehensive bill that fully balances the ethical concerns associated with stem cell research with the incalculable benefits such research can confer upon millions of Americans.

Now is the time for action! We must continue to expand the scope of embryonic stem cell research. We must not tie the hands of researchers who will hopefully deliver to our communities cures for these life threatening diseases.

Research on adult stem cells is important. However, I think we need to recognize the limitations that are inherent in that type of research. While adult stem cells are being used to treat blood diseases such as leukemia and lymphoma, adult stem cells cannot be used to form any cell. Experts believe that adult stem cells are not going to produce the answers to diseases like sickle cell disease, Multiple Sclerosis, heart disease, liver disease, Parkinson's, Alzheimer's, and numerous kinds of cancers we so desperately seek. Adult stem cells are not a substitute for embryonic stems cells.

I would like to speak specifically to the large numbers of African Americans and other minorities who will hugely benefit from this potentially lifesaving research. Too many of my constituents are disproportionally affected by many of the diseases researchers hope to cure with information gleaned from embryonic stem cell research.

In particular, diabetes, Parkinson's, and especially sickle cell disease run rampant in our communities. I want to be able to look at every single one of my constituents who is afflicted with a disease that researchers believe they can treat eventually based on research done on embryonic stem cells and tell them that here in Washington we are doing absolutely everything we can to save their lives and assuage their pain.

I introduced bills over the last two Congresses to bring awareness to the need for expanding the number of stem cell lines because I recognize that we must embrace groundbreaking solutions to the problems posed by fatal diseases.

The research has progressed so far since 1998, when scientists first isolated human embryonic stem cells. Amazing discoveries have been made in such a short time. What sense would there be in restricting the ability of researchers to, within the boundaries set by, strict ethical guidelines, progress with this research as far as is possible? Why are we tying the hands of our scientific community to save lives on the basis of an arbitrary date, while across the world this research will be used to save lives?

This bill answers those questions resoundingly: we will not unduly restrict the essential research that could save the lives of millions. We will move forward. We will find an end to suffering that could be prevented, in my community and nationwide.

Mr. POMEROY. Mr. Speaker, I rise today to say that I will be casting my vote for H.R. 810, the Stem Cell Research Enhancement Act of 2005.

I am voting for this legislation with the face of Ashley Dahly on my mind. Ashley is a 17-year-old high school junior from Devils Lake, North Dakota. She is a happy teenager with an adoring family. She likes school, enjoys Student Congress and speech class, and loves ice skating.

Ashley also has juvenile diabetes. In fact, today she is at home missing her finals because of high blood sugars. Ashley is North Dakota's delegate for Children's Congress through the Juvenile Diabetes Research Foundation, taking place here in Washington on June 18–22nd. Ashley's goal is to enter a health-related field such as a nurse or diabetes educator, because as Ashley has said, ''I know the pain that children diagnosed with diabetes go through, and I think I could help in relieving that pain.''

There is currently no cure for juvenile diabetes, a disease that affects another child every hour of every day. Embryonic stem cell research offers great potential for advancing treatments or even curing diabetes, as well as many other diseases such as Parkinson's disease, cancer, ALS, paralysis and others. Particularly in the case of diabetes, embryonic stem cell research holds the greatest possibility for understanding and curing this disease, since adult stem cells are not present in the pancreas, the organ attacked by diabetes.

Embryonic stem cell research is an extremely difficult issue, involving the potential for critical medical breakthroughs on the one hand, and very complex bio-ethical issues on the other. The bill requires that research only be conducted on stem cells derived from embryos created for fertility treatments that were in excess of the need of the mother and would otherwise have been destroyed. My vote today is supported by over 200 major patient groups, scientists, and medical research groups, and I believe that my vote can provide hope to families in North Dakota like Ashley's who are suffering through the illness of a loved one.

Mr. GOHMERT. Mr. Speaker, on the birthday of my daughter, Katy, who was born 8–10 weeks prematurely, but still lives and blesses my life. There are so many well-meaning people who want to see others cured. We, everyone of us in this body, want that. We know that. It is being said that no one will be harmed by the use or destruction of human embryos that were going to be waste anyway. Dear friends, when you use the product of the callous mistreatment of life, even though you use sterilized gloves, you nonetheless are an accomplice after the fact in encouraging future such destruction and mistreatment—even though you have the very very best of intentions. How many times as a judge have I heard, ''But, I never meant to hurt anyone. I thought I was just helping.''

In the recent past, we lost a great American who had been injured in an accident and who encouraged the use of embryonic stem cells. That man had a heart as big as all outdoors and is an inspiration to so very many of us. His strength and courage and perseverance in the face of unsurmountable odds should be an encouragement for all who face adversity. He is quoted as saying something that others have said, but as a justification for embryonic stem cell usage—basically that we should be about doing the greatest good for the greatest number of people. That is the utilitarian way.

It is worth noting that if a society only did what was the greatest good for the greatest number of people, that society would kill off the elderly who were no longer productive and kill off the young who were not likely to ever be very productive. That would also be a society that did not spend time trying to fix something that had been extremely broken. That is a society that would simply weigh the cost to repair a human, decide that such person was ''Totaled'' then clone a new one to replace it. That society would be killing its very soul.

That is not the American way. We want to be a help to the helpless, and speak for those who can't speak. A moral society should do that. To demand money from American taxpayers so that we as a Congress can encourage the destructive use of life under the guise that it may be thrown away anyway, is not a direction that this America should go. Our history has been that, rather than destroying life, we go to all kinds of extremes to save it. If a child is in a deep hole, America sends all the resources it has to try to save it regardless of cost. When someone may not return from a trip to the moon, we use every available resource to try to bring them home. When a soldier is captured or out on the battlefield wounded, many others often risk their lives to save the one. That has been, that should be our legacy. What a legacy! But to demand money with the full force of the federal government's enforcement and the IRS so that the beginning of life can be destroyed, will add

such a darkness on the conscience of this society, we simply should go no farther down that road.

It is a bit offensive that some would come forward and assert that we are telling individuals with Lou Gehrigs disease and other terribly debilitating diseases that we will not look for a cure—that we basically do not care. We are looking for cures and we are doing so with the most promising avenues available and that is with stem cells that do not destroy life.

It is extremely offensive that some would come forward and say basically that in the name of religion, Christian and Jewish groups support the federal government's certain destruction of embryos under the possibility that at some point it somehow may lead to possibly saving a life or lives. If we are going to invoke the thought of, as our forefathers' put it, our Creator, then let's at least invoke our Creator's unwavering honesty. The truth is that this bill is not determining whether embryonic stem cell research will go on. IF it is so incredibly and amazingly promising, do you know who would be all over this? Private pharmaceutical and health care industries would be in pursuit knowing that if they find a cure, they will be the most profitable company on the face of the earth.

But it is not private investment capital that is being sought. It is people wanting grants that will be torn from the pockets of taxpayers against the will of perhaps half of them or more (polling data from those with an agenda is not all that trustworthy) and putting it into someone else's pocket in the name of destroying embryos.

Embryonic stem cell research can go on and has gone on with billions of dollars from some states and from some private money. What many of us are saying about this legislation is, if it is so promising, you go raise the capital privately by buying stock to use in embryonic stem cell research, and let our tax dollars go to the stem cell research that seeks to both save and make lives better. I know this is a matter of conscience, and I do so know and believe in the integrity and great intentions of many of those who disagree, but please do not take my tax dollars for money to destroy life. Let those who feel so compelled, spend your own, but I would hope even then you would spend your own money on the lines with the most promise and not take life in the name of helping life.

May God not only bless, but have mercy on us all.

Mr. MCGOVERN. Mr. Speaker, I am pleased to support H.R. 810, the Stem Cell Research Enhancement Act of 2005. This legislation takes the critical first step in expanding the number of stem cell lines that are eligible for federally funded research.

For years, the United States has been the preeminent world leader in the field of biotechnology. We have made extraordinary advancements in the treatment, management and prevention of a wide range of disabilities. It's nearly impossible to read a newspaper without hearing of some new breakthrough—drug cocktails for AIDS patients; gene therapy treatments; new medical devices.

These advancements are cause for celebration. Our mothers and fathers, our spouses, children and grandchildren are benefiting like never before. They are living longer, healthier lives due to our investments in scientific research.

Much like this earlier research, the potential benefits from stem cells are almost limitless. And as policymakers, we have the rare opportunity to help further scientific innovation that, with the proper research and development, could produce better treatments—or even cures—for diseases like diabetes, Parkinson's Disease, and cancer.

Despite some arguments that we have heard today, recent developments have proven that we are not far off from recognizing the true potential of this research. In fact, just last week, scientists in South Korea successfully created the world's first human embryonic stem cells that are patient-specific. This advancement was applauded around the world as a major step in the effort to produce cell-based therapies that won't be rejected by the body's immune system.

And in my home state of Massachusetts, ViaCell and New World Laboratories, two small biotech companies, have made notable progress in their research on spinal cord injuries and tissue regeneration. Though no one can predict the outcome of embryonic stem cell research, what is certain is that without federal support, we will never fully recognize it's potential.

We are at a pivotal point in our nation's history, and I hope that my colleagues will carefully consider this issue, leaving out partisan politics. With federal support, this research could have a real and tangible impact on millions of lives in this country. Our Nation's current policy severely limits scientific research, and we must not continue on this dangerous course. I urge my colleagues to join me in supporting H.R. 810.

Mr DINGELL. Mr. Speaker, I support H.R. 810, the "Stem Cell Research and Enhancement Act of 2005."

Let us be very clear about why we are here today. We are here to decide whether our Nation will move forward in the search for treatments and therapies that will cure a multitude of dreaded diseases that afflict an estimated 128 million Americans.

Today, millions of Americans suffer from Alzheimer's disease, Parkinson's disease, spinal cord injuries or spinal dysfunction, and diabetes. And today, along with the tremendous number of Americans living with cancer, approximately 1.5 million new cases were diagnosed in the United States last year. Today, we can vote for H.R. 810, and in doing so, choose to save lives and help to end the suffering of so many Americans.

Stem cells are the foundation cells for every organ, tissue, and cell in the body. Embryonic stem cells, unlike adult stem cells, possess a unique ability to develop into any type of cell. Embryonic stem cell research holds the potential for treating a variety of diseases such as Lou Gehrig's disease, Parkinson's disease, Alzheimer's disease, autism, cystic fibrosis, heart disease, diabetes, multiple sclerosis, and osteoporosis, as well as spinal cord injuries.

H.R. 810 would impose strict ethical guidelines for embryonic stem cell research and would lift the arbitrary restriction limiting funds to only some embryonic stem cell lines created before August 10, 2001. By removing this arbitrary restriction, H.R. 810 will ensure that researchers can not only continue their work to prolong or save lives, but also conduct such research using newer, less contaminated, more diverse, and more numerous embryonic stem cells.

H.R. 810 does not allow Federal funding for the creation or destruction of embryos. This bill only allows for research on embryonic stem cell lines retrieved from embryos created for reproductive purposes that would otherwise be discarded. This point is critical: If these embryos are not used for stem cell research, they will be destroyed.

Former first lady Nancy Reagan once said, "Science has presented us with a hope called stem cell research, which may provide our scientists with many answers that for so long have been beyond our grasp. I just don't see how we can turn our backs on this. We have lost so much time already. I just really can't bear to lose any more."

Let us not turn our backs on this important research and the 128 million Americans who could benefit from it. Let us not lose any more time. Let us pass H.R. 810, the "Stem Cell Research Enhancement Act of 2005."

Mr. UDALL of New Mexico. Mr. Speaker, I rise today as a cosponsor and strong supporter of H.R. 810, the Stem Cell Research Enhancement Act. I am pleased that the House leadership brought this important legislation to the floor and am proud to be a part of the important debate occurring today.

Mr. Speaker, embryonic stem cells have the ability to develop into virtually any cell in the body, and many believe they may have the potential to treat many illnesses such as Parkinson's disease, juvenile diabetes, Alzheimer's, blindness, sickle cell anemia and many other medical conditions, including spinal cord injuries. Like many other issues facing us today, however, stem cell research forces us to confront the challenge of balancing long-standing ethical questions with the possibilities presented by scientific and technological advancements. The remarks made on the floor today by my colleagues have reflected the difficulty in dealing with this issue, as many members wrestle with their beliefs and emotions.

Most familiar with this issue know that in August 2001, President Bush announced that federal funds for the first time would be used to support research on human embryonic stem cells. However, the funding would be limited to "existing stem cell lines." The National Institutes of Health (NIH) has established the Human Embryonic Stem Cell Registry, which lists stem cell lines that are eligible for use in federally funded research. Although 78 cell lines are listed, 22 embryonic stem cell lines are currently available. Scientists are concerned about the quality, longevity, and availability of the eligible stem cell lines.

That is why I am a cosponsor of H.R. 810, and strongly support its passage. This important legislation increases the number of lines of stem cells that would be eligible to be used in federally funded research. It does so, however, by requiring that the stem cells meet certain requirements. Specifically, the stem cells must be derived from human embryos donated from in vitro fertilization clinics. They also must have been created for the purpose of fertility treatment, but were in excess of the clinical need. The embryos must also not have been intended for use in fertility treatment, and would otherwise be discarded. Finally, under H.R. 810, the embryos must have been donated by individuals seeking fertility treatment with informed written consent and without any financial payment or other inducement to make the donation.

Mr. Speaker, I have listened as member after member has come to the floor to tell a personal tale of a loved one suffering from a disease that, with additional research, stem cells could help cure. We all have our stories Mr. Speaker. My uncle, Morris K. Udall, who served in this body for decades, suffered from Parkinson's disease. There are too many people across the world suffering from devastating diseases for which stem cells hold great hope and promise. We need to foster additional research that is conducted in an ethically responsible way. H.R. 810 does just that.

I urge my colleagues to support this legislation.

Mr. KUCINICH. Mr. Speaker, I support H.R. 810, the Stem Cell Research Enhancement Act of 2005.

H.R. 810 is the safest, most ethically and morally sound way to proceed with this potentially life-saving scientific advancement. This debate is not about whether or not embryonic stem cell research should occur. The Administration is not stopping private embryonic stem cell research. It just opposes the expansion of public stem cell research.

The private sector is not restricted from such research. The private sector currently uses frozen embryos which would otherwise be discarded. Corporate entities already have access to 125 new and better embryonic stem cell lines, created after August 9, 2001, when the President announced his new stem cell policy.

H.R. 810 expands the number of frozen embryos to be used for stem cell research by the Federal Government. Federally sponsored research is subject to greater oversight and safeguards and higher ethical standards. Ethical controls over privately funded research are limited.

Recent scientific breakthroughs have demonstrated that embryonic stem cell research has life saving potential. It could result in saving millions of lives. It could be the answer to the prayers of those who suffer from Parkinson's, diabetes, cancer, heart disease, spinal cord injuries and other debilitating conditions. Recent studies have set back the case for the efficacy of adult stem cells.

Embryonic stem cell research will continue with or without the federal government. This bill expands federal research, which will be subject to greater oversight and safeguards.

Mr. MORAN of Virginia. Mr. Speaker, I rise in very strong support of the Stem Cell Research Enhancement Act, which will expand the federal policy and implement stricter ethical guidelines for this research.

Embryonic stem cell research is necessary in discovering the causes of a myriad of genetic diseases, to testing new drug therapies more efficiently on laboratory tissue instead of human volunteers, and to staving off the ravages of disease with the regeneration of our bodies' essential organs.

President George W. Bush's policy on stem cell research limits federal funding only to embryonic stem cell lines that were derived by August 9, 2001, the date of his policy announcement.

Of the 78 stem cell lines promised by President Bush, only 22 are available to researchers.

Unfortunately these stem cell lines are aged and contaminated with mouse feeder cells, making their therapeutic use for humans uncertain. According to the majority of scientists, if these stem cell lines were transplanted into people, they would provoke dangerous viruses in humans.

What is even more disturbing is the fact that there are at least 125 new stem cell lines, which are more pristine than the lines currently available on the National Institutes of Health registry, which are ineligible for federally-funded research because they were derived after August 9, 2001.

This restrictive embryonic stem cell research policy is making it increasingly more difficult to attract new scientists to this area of research because of concerns that funding restrictions will keep this research from being successful.

The Stem Cell Research Enhancement Act does not change the current policy on the use of federal funds; this measure simply seeks to lift the cutoff date for lines available for research.

H.R. 810 will also strengthen the ethical standards guiding the federal research on stem cell lines and will ensure that embryos donated for stem cell research were created for the purposes of in vitro fertilization, in excess of clinical need, would have otherwise be discarded and involved no financial inducement.

Contrary to what opponents have been saying, the Stem Cell Research Enhancement Act will not federally fund the destruction of embryos.

H.R. 810 is clear that unused embryos will be used for embryonic stem cell research only by decision of the donor. No federally-funded research will be supported by this measure if the embryos were created and destroyed solely for this purpose.

In February 2005, the Civil Society Institute conducted a nationwide survey of 1,022 adults and found that 70 percent supported bipartisan federal legislation to promote embryonic stem cell research.

Let public interest triumph over ideological special interests. Public interest is best served when the medical and the scientific community is free to exercise their professional judgment in extending and enhancing human life.

I urge all my colleagues to vote in favor of the Stem Cell Research Enhancement Act.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today in strong support of H.R. 810, the Stem Cell Research Enhancement Act of 2005.

Stem cells have tremendous promise to treat a myriad of devastating diseases and disorders.

Embryonic stem cells can become any cell type in the body, and their promise lies in the ability to tailor-make cellular treatments, heart muscle for heart disease, pancreas cells for diabetes, or nervous system cells for spinal cord injury.

Stem cells are relatively new on the research scene; it was only in 1998 that the techniques were developed to isolate stem cells from humans, and we have a lot to learn about how to make the cells develop in the ways that will be essential for therapeutic application.

Today, I would like to highlight how the Reeve-Irvine Research Center has made significant head way in making the promise of embryonic stem cells a reality.

Work recently published by Dr. Hans Keirstead and his group has shown that they are able to turn human embryonic stem cells into a clinically useful cell type.

To use embryonic stem cells for therapy, it is critical to devise ways to cause them to turn into particular cell types. If un-differentiated stem cells are transplanted into the brain or spinal cord, they may become a teratoma, a tumor made of many different cells like bone, muscle, and hair.

So, to be useful for therapy, embryonic stem cells must be ''restricted'' to differentiate into the desired cell types. That is, they must be told what specific cell type to turn into as they mature.

Dr. Keirstead's group has developed a unique method to create these differentiated cells.

Moreover, as report in Journal of Neuroscience, his group has been successful in transplanting these cells into an acute spinal cord injury.

Once transplanted, these cells have been able to survive in a living organism, move to areas where they are needed, and do what they are supposed to.

The result is a significant improvement in walking ability, at least at an early time point post injury. This finding is proof of principle that human embryonic stem cells can be a viable therapeutic agent.

Dr. Keirstead's cells are on the federally approved list. They are among the very few lines that are actually usable, and he is among the very few who have had access to human embryonic stem cells.

Dr. Keirstead's progress since 2001 when he received the cells has been remarkable. His group has learned how to maintain the embryonic stem cells, no small feat in itself. They have learned how to transform the cells into differentiated cells, they have learned how to use the cells to treat new spinal cord injury in animals.

All this in less than 4 years, and in one lab.

Imagine the progress that could have been made with, 100 labs working with embryonic stem cells on not only spinal cord injury but Alzheimer's, Parkinson's, diabetes, and so many others.

The Reeve-Irvine Research Center is one of a handful of places in the U.S. that has the know-how to use embryonic stem cells.

With more lines available, we could readily address issues related to paralysis by developing new cell populations, like motor neurons, or by testing the therapeutic quality of other lines.

In addition, more researchers would be able to devote their talents to this area of research.

My father is suffering from Alzheimer's. I know that my family would do anything to find a cure for this horribly degenerative disease. I would ask my colleagues, would your family do any differently? Would the families of your constituents do any differently?

The Stem Cell Research Enhancement Act of 2005 before Congress today, if passed, would open the door to our country's brightest scientists to find the treatments that Dr. Keirstead's work suggests are really there waiting to be discovered.

I urge my colleagues to support this research and to vote for H.R. 810.

Ms. CARSON. Mr. Speaker, I wish to express my strong, principled and hopeful support of H.R. 810. I commend the vital leadership of my brave colleagues, Representatives CASTLE and DEGETTE, for bringing this urgent issue to the floor.

Federal funding for embryonic stem cell research is needed to help American scientists

move this research forward, research which has the potential to revolutionize medicine and save countless lives.

While adult stem cells have been very useful in treating some cancers, embryonic stem cells appear to have a far greater potential for treating disease than adult stem cells. Scientists regard embryonic stem cell research as one of the greatest hopes for the cure of medical conditions such as Parkinson's disease and diabetes due to their unique ability to develop into virtually any type of cell in the body.

Recently, researchers at the University of Miami came up with a technique to transform embryonic stem cells into the insulin-producing cells destroyed by Type-I diabetes. Such research may also help us better understand the causes of birth defects, genetic abnormalities, and other conditions that arise during the critical period of early human growth. Other possible medical applications include the repair of crippling injuries such as spinal cord damage and the ability to correct the damaging side effects of existing medical treatments like chemotherapy.

This debate is not about whether or not embryonic stem cell research will progress, for it surely will. This research is already taking place around the globe, and right here in America. The question is: will we lead the way? This debate is about American leadership in this world. For generations America has led the world in scientific advances. We must continue to support the work of our brilliant scientists and help them once again lead the world in this vitally important new field.

This bipartisan legislation would expand the scope of stem cell research while enacting stringent procedural guidelines. All activities would be subject to the strict ethical guidelines of the National Institutes of Health. No federal funds would be used to conduct research on unapproved stem cell lines. The cells used in this research will be donated voluntarily by patients of in-vitro fertilization clinics. It makes no sense, and it is just plain wrong to ban research using embryos that are being simply thrown away today.

Mr. Speaker, it is not our place as legislators to decide which medical research does and does not have merit. We must not block advances in life-saving and ethically conducted science. I commend my colleagues for supporting this critical legislation.

Mr. VAN HOLLEN. Mr. Speaker, as a cosponsor of the Stem Cell Research Enhancement Act of 2005, I believe that stem cell research holds the promise of scientific breakthroughs that could improve the lives of millions of Americans. This bi-partisan legislation would provide federal funding for a wider range of research while establishing ethical guidelines.

The most compelling arguments for expanding federal funding for stem cell research can be heard in the heart wrenching stories of individuals suffering from debilitating diseases for which there are currently no cures or treatments. While it is too late for the countless Americans who have passed away from terrible diseases, it is not too late for the millions of other Americans hoping this House will support funding for this potentially life-saving resource. For these patients and their families stem cell research is the last hope for a cure.

This bill provides that embryos that are otherwise likely to be discarded can be used to help develop treatments for debilitating diseases and life saving cures. We should allow federally supported research to proceed to find such treatments and cures.

Mr. KIND. Mr. Speaker, I rise today in strong support of H.R. 810, the Stem Cell Research Enhancement Act of 2005. This bill would expand the current Federal policy on embryonic stem cell research by allowing federally funded research on stem cell lines derived after August 9, 2001, while implementing strong ethical guidelines to ensure Federal oversight of the research.

Most of the scientific community believes that for the full potential of embryonic stem cell research to be reached, the number of cell lines readily available to scientists must increase. Just last month, a number of NIH directors testified before the Senate Appropriations Committee that the current policy is restrictive and hinders scientific progress. We are already at risk of losing our scientific and technological edge because of increasing competition around the world.

Other countries—such as China, India, and the United Kingdom—are forging ahead with embryonic stem cell research because of less restrictive policies. India, for example, has an extensive stem cell regulatory system, yet allows the derivation of new stem cells from surplus embryos at fertility clinics. Our restrictive policy not only puts us at risk of losing our scientific edge, we are also at risk of losing some of the best American scientists to other countries where policies are less restrictive.

Important advances in the science of embryonic stem cell research have been made since the August 2001 policy was set. Earlier this year, researchers at the University of Wisconsin in Madison figured out how to grow human embryonic stem cells without using mouse feeder cells. This is exciting news since mouse feeder cells are thought to be a source of contamination if the cells are ever to be used therapeutically in humans.

From its earliest days, stem cell research has been important to the people of Wisconsin. In fact, Dr. James Thomson, a researcher at the University of Wisconsin, was the first to isolate and culture embryonic stem cells.

In 2003, this esteemed researcher received the Frank Annunzio award, given to recognize the innovative research of American scientists who devote their careers to improving the lives of people through their work in science. Wisconsin has been at the forefront of embryonic stem cell research from the beginning. This legislation is essential to make sure the important work of our scientists is not unnecessarily sidetracked by politics.

But this legislation is not only important because of the potential for advances in science and technology. More important is the fact that embryonic stem cell research could lead to new treatments and cures for the many Americans afflicted with life-threatening and debilitating diseases. Scientists believe these cells could be used to treat many diseases, including Alzheimer's, Parkinson's, diabetes, and spinal cord injuries. However, the promise of this research may not be reached if the Federal policy is not expanded.

Mr. Speaker, it has become increasingly clear that the American public supports expanding the Federal stem cell policy. Just yesterday, results from a survey of Wisconsin voters were released showing overwhelming support for embryonic stem cell research. Nearly two-thirds of those polled support expanding Federal policies to support more research—regardless of party affiliation.

I strongly urge my colleagues to join me in supporting this important legislation that will allow science to move forward unimpeded, has the potential to revolutionize the practice of medicine, and can offer hope to the millions of Americans suffering from debilitating diseases.

Mr. WOOLSEY. Mr. Speaker, I rise today in support of this bill and all of the promise that comes with funding embryonic stem cell research. This bill represents an important step forward for the scientific and medical communities in our country, offering hope to the millions of Americans who suffer from diseases that stem cell therapies may be able to cure.

Unfortunately, President Bush has threatened to veto this bill when it arrives on his desk. I am appalled that a President who talks so much about embracing a ''culture of life'' would deny funding for a possible cure that could save a child from suffering from juvenile diabetes; repair a damaged spinal cord to allow a person to walk again; save a grandparent from the onset of Alzheimer's disease; or put a halt to the ravages of Parkinson's disease.

The potential benefits from embryonic stem cell research are almost boundless and would certainly touch the life of a friend or family member of everyone in America. Mr. Bush's ban on providing Federal funds for stem cell research has seriously damaged our Nation's efforts to be a leading voice in the development of this new technology.

Allowing Federal funding for research on stem cells is vital to making real progress as quickly as possible to find real cures. I urge my colleagues to join me in supporting this bill that will certainly have long-lasting effects in improving the health and well being of millions of Americans.

Mr. PRICE of Georgia. Mr. Speaker, as a physician I'm certain of one thing: Science is not Republican or Democrat, Science is not conservative or liberal. Science is science. Decisions in science should be based on the scientific method—a standardized method of evaluation and implementation of a solution or treatment of a disease.

When followed, it allows for the greatest amount of critical thinking about any issue. If followed, it results in the best outcome. This would be true in public policy as well. If not followed in a legislative body, then decisions tend to be made based upon who has the largest group of supporters or greatest passion and emotion. Now there is nothing wrong with numbers, passion or emotion, it just may not get you to the correct solution—especially in the scientific arena.

There has been significant misrepresentation of science today and in this debate, because ''science is not a policy or a political program. Science is a systematic method for developing and testing hypotheses about the physical world. It does not promise miracle cures based on scanty evidence. . . . statements . . . made regarding the purported medical applications of embryonic stem cells reach far beyond any credible evidence, ignoring the limited state of our knowledge about embryonic stem cells and the advances in other areas of research that may render use of these cells unnecessary for many applications. To make such exaggerated claims, at

this stage of our knowledge, is not only scientifically irresponsible—it is deceptive and cruel to millions of patients and their families who hope desperately for cures and have come to rely on the scientific community for accurate information. . . . Non-embryonic stem cells'' on the other hand have a history ''very different from that of embryonic stem cells.'' Cord and adult stem cells are ''Producing undoubted clinical benefits and . . . (b) one marrow transplants'' have benefited ''patients with various forms of cancer for many years before it was understood that the active ingredients in these transplants are stem cells. . . . Use of these cells poses no serious ethical problem, and may avoid all problems of tissue rejection if stem cells can be obtained from a patient for use in that same patient. . . . In contrast to embryonic stem cells, adult stem cells are in established or experimental use to treat human patients with several dozen conditions. . . . They have been or are being assessed in human trials for treatment of spinal cord injury, Parkinson's disease, stroke, cardiac damage, multiple sclerosis,'' juvenile diabetes ''and so on. . . .

''Therefore . . . to declare that'' embryonic stem cell research ''will . . . receive any particular amount of federal funding, regardless of future evidence or the usual scientific peer review process—is . . . irresponsible. It is, in fact, a subordination of science to ideology.

''Because politicians, biotechnology interests and even some scientists have publicly exaggerated the ''promise'' of embryonic stem cells, public perceptions of this avenue have become skewed and unrealistic. Politicians may hope to benefit from these false hopes to win elections. . . . The scientific and medical professions have no such luxury. When desperate patients discover that they have been subjected to a salesman's pitch rather than an objective and candid assessment of possibilities, we have reason to fear public backlash against the credibility of our profession. We urge you not to exacerbate this problem now by repeating false promises that exploit patients' hopes for political gain.''

I have quoted from a letter signed by 57 scientists—MD's and PhD's—written during last year's presidential campaign. It expressed real concern about a cavalier public posture and policy during a debate on such a sensitive ethical matter.

It seems to me that there is one unmistakable fact: Many in our society have sincere, heartfelt, passionate, ethical questions, worthy of our respect, regarding the scientific or medical use of ES cells.

If our goal is truly to cure diseases and help patients, science tells us that today the use of adult and cord stem cells has successfully treated or holds real potential for treating nearly 60 diseases. The same cannot be said for ES cells.

And adult stem cells carry none of the ethical questions or dilemma of ES cells.

I support stem cell research—active, aggressive, scientifically based—with respect for the difficult ethical questions we face today.

I urge my colleagues to join me in respecting current science—in respecting ethical concerns. If we do, we will recognize that stem cell research and treatment of disease should actively proceed with those adult and cord stem cells that are providing and will increasingly provide excellent and exciting cures for patients in need.

OCTOBER 27, 2004.

Senator JOHN F. KERRY,
John Kerry for President, Washington, DC.

DEAR SENATOR KERRY: Recently you have made the promotion of embryonic stem cell research, including the cloning of human embryos for research purposes, into a centerpiece of your campaign. You have said you will make such research a ''top priority'' for government, academia and medicine (Los Angeles Times, 10/17/04). You have even equated support for this research with respect for ''science,'' and said that science must be freed from ''ideology'' to produce miracle cures for numerous diseases.

As professionals trained in the life sciences we are alarmed at these statements.

First, your statements misrepresent science. In itself, science is not a policy or a political program. Science is a systematic method for developing and testing hypotheses about the physical world. It does not ''promise'' miracle cures based on scanty evidence. When scientists make such assertions, they are acting as individuals, out of their own personal faith and hopes, not as the voice of ''science''. If such scientists allow their individual faith in the future of embryonic stem cell research to be interpreted as a reliable prediction of the outcome of this research, they are acting irresponsibly.

Second, it is no mere ''ideology'' to be concerned about the possible misuse of humans in scientific research. Federal bioethics advisory groups, serving under both Democratic and Republican presidents, have affirmed that the human embryo is a developing form of human life that deserves respect. Indeed you have said that human life begins at conception, that fertilization produces a ''human being.'' To equate concern for these beings with mere ''ideology'' is to dismiss the entire history of efforts to protect human subjects from research abuse.

Third, the statements you have made regarding the purported medical applications of embryonic stem cells reach far beyond any credible evidence, ignoring the limited state of our knowledge about embryonic stem cells and the advances in other areas of research that may render use of these cells unnecessary for many applications. To make such exaggerated claims, at this stage of our knowledge, is not only scientifically irresponsible—it is deceptive and cruel to millions of patients and their families who hope desperately for cures and have come to rely on the scientific community for accurate information.

What does science tell us about embryonic stem cells? The facts can be summed up as follows:

At present these cells can be obtained only by destroying live human embryos at the blastocyst (4–7 days old) stage. They proliferate rapidly and are extremely versatile, ultimately capable (in an embryonic environment) of forming any kind of cell found in the developed human body. Yet there is scant scientific evidence that embryonic stem cells will form normal tissues in a culture dish, and the very versatility of these cells is now known to be a disadvantage as well—embryonic stem cells are difficult to develop into a stable cell line, spontaneously accumulate genetic abnormalities in culture, and are prone to uncontrollable growth and tumor formation when placed in animals.

Almost 25 years of research using mouse embryonic stem cells have produced limited indications of clinical benefit in some animals, as well as indications of serious and potentially lethal side-effects. Based on this evidence, claims of a safe and reliable treatment for any disease in humans are premature at best.

Embryonic stem cells obtained by destroying cloned human embryos pose an additional ethical issue—that of creating human lives solely to destroy them for research—and may pose added practical problems as well. The cloning process is now known to produce many problems of chaotic gene expression, and this may affect the usefulness and safety of these cells. Nor is it proven that cloning will prevent all rejection of embryonic stem cells, as even genetically matched stem cells from cloning are sometimes rejected by animal hosts. Some animal trials in research cloning have required placing cloned embryos in a womb and developing them to the fetal stage, then destroying them for their more developed tissues, to provide clinical benefit—surely an approach that poses horrific ethical issues if applied to humans.

Non-embryonic stem cells have also received increasing scientific attention. Here the trajectory has been very different from that of embryonic stem cells: Instead of developing these cells and deducing that they may someday have a clinical use, researchers have discovered them producing undoubted clinical benefits and then sought to better understand how and why they work so they can be put to more uses. Bone marrow transplants were benefiting patients with various forms of cancer for many years before it was understood that the active ingredients in these transplants are stem cells. Non-embryonic stem cells have been discovered in many unexpected tissues—in blood, nerve, fat, skin, muscle, umbilical cord blood, placenta, even dental pulp—and dozens of studies indicate that they are far more versatile than once thought. Use of these cells poses no serious ethical problem, and may avoid all problems of tissue rejection if stem cells can be obtained from a patient for use in that same patient. Clinical use of non-embryonic stem cells has grown greatly in recent years. In contrast to embryonic stem cells, adult stem cells are in established or experimental use to treat human patients with several dozen conditions, according to the National Institutes of Health and the National Marrow Donor Program (Cong. Record, September 9, 2004, pages H6956–7). They have been or are being assessed in human trials for treatment of spinal cord injury, Parkinson's disease, stroke, cardiac damage, multiple sclerosis, and so on. The results of these experimental trials will help us better assess the medical prospects for stem cell therapies.

In the case of many conditions, advances are likely to come from sources other than any kind of stem cell. For example, there is a strong scientific consensus that complex diseases such as Alzheimer's are unlikely to be treated by any stem cell therapy. When asked recently why so many people nonetheless believe that embryonic stem cells will provide a cure for Alzheimer's disease, NIH stem cell expert Ron McKay commented that ''people need a fairy tale'' (Washington Post, June 10, 2004, page A3). Similarly, autoimmune diseases like juvenile diabetes, lupus and MS are unlikely to benefit from simple addition of new cells unless the underlying problem—a faulty immune system that attacks the body's own cells as though they were foreign invaders—is corrected.

In short, embryonic stem cells pose one especially controversial avenue toward understanding and (perhaps) someday treating various degenerative diseases. Based on the available evidence, no one can predict with certainty whether they will ever produce clinical benefits—much less whether they will produce benefits unobtainable by other, less ethically problematic means.

Therefore, to turn this one approach into a political campaign—even more, to declare that it will be a ''top priority'' or receive

any particular amount of federal funding, regardless of future evidence or the usual scientific peer review process—is, in our view, irresponsible. It is, in fact, a subordination of science to ideology.

Because politicians, biotechnology interests and even some scientists have publicly exaggerated the ''promise'' of embryonic stem cells, public perceptions of this avenue have become skewed and unrealistic. Politicians may hope to benefit from these false hopes to win elections, knowing that the collision of these hopes with reality will come only after they win their races. The scientific and medical professions have no such luxury. When desperate patients discover that they have been subjected to a salesman's pitch rather than an objective and candid assessment of possibilities, we have reason to fear a public backlash against the credibility of our professions. We urge you not to exacerbate this problem now by repeating false promises that exploit patients' hopes for political gain.

Signed,

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Joseph R. Zanga, M.D., FAAP, FCP, President, American College of Pediatricians, Professor of Pediatrics, Brody School of Medicine, East Carolina University.

Mr. HONDA. Mr. Speaker, I rise today in strong support of the bipartisan Stem Cell Research Enhancement Act, H.R. 810, legislation that will dramatically expand the number of stem cell lines available for federally funded research. This bill will allow scientists to more effectively pursue cures and therapies for a wide array of life-threatening illnesses and disabilities affecting millions of Americans.

Earlier today, the House passed a related but very different bill: the Stem Cell Therapeutic and Research Act, H.R. 2520. This legislation will create a new Federal program to collect and store umbilical-cord-blood stem cells for research purposes. I support the additional research on adult stem cells provided for by H.R. 2250, but this legislation is not a substitute for H.R. 810 and its emphasis on embryonic stem cell research.

Embryonic stem cells have a unique ability to develop into any type of cell as they mature, offering scientists tremendous insights on the replacement of damaged cells and organs, the mechanics of life-threatening diseases, and the testing and development of new drugs. Adult stem cells, on the other hand, have not shown this ability to differentiate into specific types of cells, have not yet been identified in all vital organs, and are difficult to identify, purify, and grow.

Although embryonic stem cell research promises extraordinary medical discoveries, the available supply of existing embryonic stem cells is woefully insufficient. According to the National Institutes of Health, NIH, only 22 of the 78 stem cell lines that were deemed eligible for Federal funding by President George Bush in 2001 are currently available to NIH investigators. Some of these 22 lines are too expensive or difficult to obtain, and some have been contaminated with non-human molecules diminishing their therapeutic value for humans. To make matters worse, these stem cell lines lack the genetic variation needed to develop therapies that will benefit the diverse population of the United States.

H.R. 810 addresses the shortage of embryonic stem cell lines by lifting the arbitrary and

indefensible August 9, 2001 cut-off date for stem cell eligibility. Since 2001, 128 embryonic stem cell lines have been developed, including disease-specific stem cell lines that allow researchers to understand the basic cause of some rare diseases. This legislation also provides stricter ethical guidelines to ensure that only the best and most ethical stem cell research will be federally funded.

The State of California has already taken steps to ensure that human embryonic stem cell research will be allowed to develop by establishing the Institute for Regenerative Medicine, which will devote $3 billion to California universities and research institutions over the next 10 years. The passage of H.R. 810 will further empower and equip California scientific institutions to undertake cutting-edge research on the most pressing medical challenges of our day.

Let us make no mistake, the development of lifesaving medical procedures has been slowed by an unwarranted restriction on stem cell research. I believe that, as policymakers, we have a moral imperative to pursue innovative medical research that can improve the quality of life and prevent harmful illnesses and diseases for generations to come. I urge my colleagues to join the innumerable scientists, university leaders, patient groups, and medical research groups that support H.R. 810.

Mr. ACKERMAN. Mr. Speaker, I rise in support of H.R. 810, the Stem Cell Research Enhancement Act of 2005. Stem-cell research holds tremendous promise for advances in health care for all Americans. Stem-cell research may one day lead to treatments for Parkinson's, Alzheimer's, arthritis, cancer, diabetes, multiple sclerosis, spinal-cord injuries, Lou Gehrig's disease, strokes, severe burns and many more diseases and injuries.

However, Mr. Speaker, nearly 4 years ago, the President made an arbitrary and shortsighted decision to limit federally funded embryonic stem-cell research to stem-cell lines that already existed. At that time, on August 9, 2001, the President promised 78 stem-cell lines would be available to Federal researchers, yet almost 4 years later, there are at most, only 22 lines available. Even worse, many of these lines are contaminated with animal cells that make them unusable for human therapeutic study. Mr. Speaker, the time has arrived for Congress to unshackle our researchers and scientists and allow them to expand the number of stem cell lines that are eligible for federally funded research.

Indeed, Mr. Speaker, our own top scientists and officials at the National Institutes of Health, NIH, have stated that the President's 2001 limitations have caused us to fall behind in this research field. The NIH should be leading this cutting-edge research, yet it is in jeopardy of failing in this role should the President's policy be allowed to continue.

Some States, such as California, are attempting to fill the void left by the lack of Federal funding. However, Mr. Speaker, as the Director of the NIH has warned, this could lead to a patchwork of stem-cell policies, with different laws and regulations which could defeat the type of collaborative research NIH is chartered to carry out.

Mr. Speaker, H.R. 810 would simply allow Federal funding for research on embryonic stem-cell lines regardless of the date on which they were derived. This means researchers and scientists would be eligible to utilize their Federal funds for research on a new stem-cell line as long as it met the strict ethical guidelines contained in the bill. Those rules restrict stem cell lines to embryos that have been created originally for fertility purposes, and that are no longer needed for fertility. Second, the bill requires that the embryo have no further other use and be intended for destruction. Also, there must be written consent for donation of the embryo from the individuals for whom the embryo was created. Finally, the bill calls for the Director of NIH to issue guidelines to ensure that federally funded researchers adhere to ethical standards.

Mr. Speaker, the Stem Cell Research Enhancement Act of 2005 is needed to ensure that the full promise of embryonic stem-cell research is fulfilled. H.R. 810 allows research to take place in a safe, structured, and ethical manner. While all stem-cell research is important, the unique ability of embryonic stem cells to give rise to any tissue or cell in the body that makes these stem cells critically important to medical research. Therefore, I urge my colleagues to support this legislation and lift the President's restrictions that now obstruct effective federally funded embryonic stem-cell research.

Mr. ROTHMAN. Mr. Speaker, as a proud cosponsor of H.R. 810, the Stem Cell Research Enhancement Act of 2005, I rise in support of this legislation. Those of us who have long supported the increased accessibility and possibilities of ethical stem cell research appreciate the opportunity the leadership has granted us by allowing a vote on this legislation today. I would also like to thank Representatives CASTLE and DEGETTE for their continued persistence to bring this bill to the floor.

We have all known someone who has suffered from Lou Gehrig's disease, Alzheimer's disease, Parkinson's disease, Multiple Sclerosis, Rett Syndrome, lupus, pulmonary fibrosis, juvenile diabetes, autism, cystic fibrosis, osteoporosis, spinal cord injuries, heart disease or cancer. By passing H.R. 810, we have the opportunity to help all of those individuals who are living with these and many other illnesses and injuries. Embryonic stem cell research holds the key to decreasing the pain and suffering of so many of our friends and family members. Furthermore, we have a moral obligation to do everything we can to help the millions of Americans, whose lives we hold in our hands, by allowing Federal funding to be used for this promising research.

The authors of H.R. 810 have gone to great lengths to guarantee that safeguards are in place to ensure the ethical use of embryonic stem cells. Embryos used for stem cell research under H.R. 810, will come from donor participation in in vitro fertilization, IVF, so embryos will not be created or cloned for research. This legislation also directs the experts at the National Institutes of Health to define the boundaries of this research. NIH has stated that they are prepared to institute these parameters. Such restrictions will ensure that rogue scientists are not performing dangerous and unethical experiments.

The United States has long been the leader of groundbreaking health research. Today we have the opportunity to ensure that the rest of the world does not continue to take the lead in health care advances. I urge all of my colleagues to vote in favor of H.R. 810, not only because U.S. based researchers deserve to be at the forefront of the development of promising new treatments, but also for all of our constituents, friends, and family members who are counting on us to support the effort to find cures for so many different diseases and illnesses.

Ms. DELAURO. Mr. Speaker, I am proud to stand on the House floor today to speak in favor of the Stem Cell Research Enhancement Act, legislation which will bring hope to millions of people suffering from disease in this nation. I want to thank Congresswoman DEGETTE and Congressman CASTLE for their tireless work in bringing this bill to the House floor for a vote.

The discovery of embryonic stem cells is a major scientific breakthrough. Embryonic stem cells have the potential to form any cell type in the human body. This could have profound implications for diseases such as Alzheimer's, Parkinson's, various forms of brain and spinal cord disorders, diabetes, and many types of cancer. According to the Coalition for the Advancement of Medical Research, there are at least 58 diseases which could potentially be cured through stem cell research.

That is why more than 200 major patient groups, scientists, and medical research groups and 80 Nobel Laureates support the Stem Cell Research Enhancement Act. They know that this legislation will give us a chance to find cures to diseases affecting 100 million Americans.

I want to make clear that I oppose reproductive cloning, as we all do. I have voted against it in the past. However, that is vastly different from stem cell research and as an ovarian cancer survivor, I am not going to stand in the way of science.

Permitting peer-reviewed Federal funds to be used for this research, combined with public oversight of these activities, is our best assurance that research will be of the highest quality and performed with the greatest dignity and moral responsibility. The policy President Bush announced in August 2001 has limited access to stem cell lines and has stalled scientific progress.

As a cancer survivor, I know the desperation these families feel as they wait for a cure. This Congress must not stand in the way of that progress. We have an opportunity to change the lives of millions, and I hope we take it. I urge my colleagues to support this legislation.

Mr. ISRAEL. Mr. Speaker, I rise today in strong support of this important bill.

I have met with constituents with afflictions such as Alzheimer's disease, Parkinson's disease, childhood leukemia, heart disease, Lou Gehrig's disease, diabetes, several cancers, spinal cord injuries, and other diseases, disorders and injuries. Embryonic stem cell research offers them hope.

I have also met with an amazing young woman named Brooke Ellison from Long Island. In 1990, when she was eleven years old, Brooke was hit by a car, which left her paralyzed from the neck down. Even with this hardship, she graduated from Harvard University in 2000, Harvard's Kennedy School of Government in 2004, and she is currently a Ph.D. candidate in political science at Stony Brook University. Her inspiring story was made into a movie on A&E and was directed by the late Christopher Reeves.

I have worked with her to raise public awareness of the importance of stem cell research, and under the Unanimous Consent agreement, I am including an essay that Brooke wrote on the issue in the CONGRESSIONAL RECORD.

As everyone here knows, on August 9, 2001, President Bush announced that embryonic stem cell research would be limited; he limited federal funds by limiting eligible lines for research.

Although scientists were expecting a big number of available lines, less than one third of the allowed 78 lines are available for distribution.

The Stem Cell Research Enhancement Act would expand research on embryonic stem cells by increasing the number of lines stem cells that would be eligible for federally funded research.

This bill should not be controversial. The bill ensures that strict ethical guidelines would be met: the embryos would have been donated with informed written consent and without any financial payment or other inducement to make the donation. These are embryos that will be discarded. Finally, the bill would not use any federal funds to derive the stem cells.

It is a good bill, but I wish this bill went further. There is still a need for other funding, because state or private funding would be needed to fund deriving the stem cells.

California and New Jersey have already set up funding sources for embryonic stem cell research, and a number of other states have announced intentions to fund this research. We must ensure that all entities can work together. Scientists still need funding for the aspects of research that the Federal government will not cover.

Today, I am introducing a resolution that expresses the sense of Congress that the Federal government should not infringe on states or private organizations that fund embryonic stem cell research. I hope that my colleagues will show support for all embryonic research, by supporting my resolution.

Many of us have family members suffering from devastating illnesses, and the prospect of helping them to be healthy and free of pain is a worthy goal. Make no mistake; this goal is what we are debating today.

ENTICINGLY CLOSE . . . YET PAINFULLY FAR

(By Brooke Ellison)

The ability to view the world through another's eyes is the essence of altruism. When putting their pens to the paper of policy, those who legislate ought to take into keen consideration the world as it is seen through others' eyes, wrought with the problems they face and conditions they endure. This is the basic tenet of a representative democracy, the basic belief upon which the United States was founded. Yet, despite this underlying and widely accepted notion of several voices speaking on behalf of many, this does not always appear to be the case and, in fact, those making collective decisions can become inextricably linked to their own, myopic ideology, failing to understand the situations of others or hear their voices.

In September of 1990, when I was eleven years old, I was hit by a car while walking home from my first day of 7th grade. That accident left me paralyzed from my neck down and dependent on a ventilator for every breath I take. Living as a person with a physical disability or debilitating disease, each day is a struggle. Tasks that, to others, might seem mundane or be taken for granted are strenuous challenges, sometimes taking long hours instead of mere minutes, causing frustration both from what cannot be at present and potential being lost in the future. When we place our hopes and visions for our world into the hands of those making broad decisions, we do it with the belief that they will act on behalf of our best interest and not on an isolated viewpoint. To do otherwise is bad policy. To undermine the interests of a majority of citizens is bad policy. To ignore the voices and dash the hopes of those most in need is bad policy. In the context of stem cell research legislation, these are bad policies, yet policies that are being upheld. This forces millions to wonder things like, ''If I could be freed from the confines of my physical condition, what a miracle it would be.'' Or, ''If, for an entire day, I could once again be completely whole and my body was somehow irrelevant, what a renewed gift that would be.'' Or, maybe, ''If, for a single moment, I could wrap my arms around those I love, what a treasure that would be.'' And even, ''If, by some chance, those making policy decisions might heed some of my recurrent thoughts and change their stance on stem cell research, what a potentially groundbreaking step it would be.'' The reality is that, based on current federal legislation, these ''ifs'' likely won't change into ''thens''.

On August 9th, 2001, from his ranch in Crawford, Texas, President Bush announced that he would significantly limit federal funds to stem cell research, only agreeing to fund research conducted on to stem cell lines already in existence at the time. According to this limitation, federally supported research could be done on no more than 78 existing genetic cell lines, although even the most optimistic estimates of viable cells were estimated to be far fewer, less than two dozen. To the delight of some and the grief of others, Mr. Bush indicated that the use of embryonic cells for medical research was a violation of the sanctity of life, analogous to abortion or euthanasia. In the President's own words, ''I worry about a culture that devalues life, and believe as your President I have an important obligation to foster and encourage respect for life in America and throughout the world. . . . Embryonic stem cell research offers both great promise and great peril. So I have decided we must proceed with great care''. Despite millions of testimonies and pleas to the contrary since that day, over three years ago, the opinion of the administration has remained constant and has not eased any restrictions. Despite strides being made in other countries around the world in the field of stem cell research, the U.S. government has remained resolute in its opposition to it.

Research that holds so much promise for so many now remains unsupported by the federal government. Similar to other issues facing our nation today, the decision of whether or not to fund embryonic stem cell research is now left in the hands of the States, with the Legislatures and Governors picking up where the U.S. Congress and President have left off. California, with its Proposition 71, has been the most recent State to make substantive progress on the issue, passing a referendum to support research conducted in the state. California joins New Jersey in leading the charge for state-funded stem cell research. But the cause should not and must not stop there, as two States out of our fifty is simply not enough. With researchers, scientists, and human lives waiting in the wings for advances, opportunity wasted is opportunity lost.

Therapeutic stem cell research, also known as somatic cell nuclear transfer, has the potential to provide cures for a considerable number of neurological and degenerative conditions, including Alzheimer's disease, Parkinson's disease, childhood leukemia, heart disease, ALS, several different types of cancer, and spinal cord injuries. In its most basic description, stem cells are the undifferentiated, unspecialized cells that can be extracted from embryos in their earliest stages of development, three to five days after fertilization. The embryos, known in this initial developmental form as blastocysts, contain only about 30 cells. Importantly, the cells taken from the blastocysts can be placed in different conditions to become other types of cells, such as heart muscle or nerve tissue, which can be used to repair similar damaged tissue in children and adults. The procedure has the potential to affect directly the lives of nearly 100 million Americans who face different conditions, equaling over one-third of the U.S. population and more than the entire populations of New York, California, Texas, and Florida, combined. As complex as embryonic stem cell research is in its design, it is equally so in its moral debate. Therapeutic stem cell research can sometimes be confused with reproductive stem cell procedures, such as genetic engineering, which have sparked controversy in some political camps. The two types of research differ considerably, though, both in terms of procedure and intent, and represent two diverse ends on a very long, complex spectrum—an understanding which often goes ignored.

Well, some have argued, isn't using stem cells just the destruction of one life for the sake of another? Aren't we simply judging some lives as more important than others? To hold such a belief is to view the world in black and white terms, thereby ignoring the much more complex gray areas. Yes, it is possible that, if a blastocyst, from where stems cells are derived, were to be inserted into a womb and allowed to grow for nine months there is the potential a life could be born. However, that is not the case for any of the blastocysts that yield stem cells that are used for research. These blastocysts are those that will go unused after in vitro fertilization procedures and will never be used to bring about life. These blastocysts, which some proclaim represent the sanctity of life, will only be kept in freezers at fertility clinics until they have expired and then will be discarded completely. Under current federal legislation, they are of no use to anybody.

To rob the stem cells of their other potential of life, which is to cure diseases or to help regenerate parts of the body that are not regenerating on their own, is really to devalue life in another, otherwise avoidable way.

Well, others have argued, isn't the work done on stem cells just the same as cloning? Aren't these cells essentially promoting the creation of another person? The once almost incomprehensible, futuristic ideas of ''cloning'' and ''body-doubles'' are now considered feasible and fearsome possibilities, and therapeutic stem cell research has been the unwitting victim of the prevalent fears. Orwell's 1984 has somehow come to life in 2004, with the speculations made by some of about unintended, science-fiction consequences. But, the connection between human reproduction and human therapy is a foggy one at best. The real fear, though, is not the potential of mad scientists reproducing people but the lost potential of sound scientists curing people.

Fourteen years ago, I could have never imagined having to advocate for something that could potentially restore for me the very basic aspects of life and humanity. But, that is something that no one should have to imagine. Science has given medicine more promise than ever before, with the potential

to heal and restore people in ways once unfathomable. Stem cells, which would otherwise serve no other purpose, hold the promise of life, not just for the newly born but now for the already living and this opportunity must be seized. The time is now. If the federal government chooses not to do it, then the States must tend to it, themselves. The time has come when we can change the lives of so many, giving to them the fundamental parts of life and dignity.

Mr. ETHERIDGE. Mr. Speaker, I rise in support of H.R. 810, the Stem Cell Research Enhancement Act.

Scientific and biomedical research and innovation has made our Nation and our world a safer and healthier place. Advances in medicine have made virtually obsolete killer diseases like smallpox and polio, have increased life expectancy and improved the quality of life for people around the globe. From Roman times around 2000 years ago to 1900 life expectancy increased from 25 to 47 years of age. However, because of important discoveries and advances in medicine and medical treatments, by the year 2000 life expectancy had increased to over 76 years of age.

The advances in medicine that resulted in this dramatic increase in life expectancy did not happen by accident. They occurred as a result of visionary leadership in both the public and private sectors. They occurred as a result of political will and public capital. They occurred because of the private sector's ability to convert government funded basic research into life-saving applications. Government funded basic research has and continues to serve as the foundation for the medical advances that have improved the health and quality of life for millions of people.

While the advances we have made in medicine in the last century have been both impressive and historic, we have a long way to go. Far too many people in our society suffer from debilitating diseases like Parkinson's, Alzheimer's and diabetes for which there are no cures. The scientific community overwhelmingly believes that embryonic stem cell research holds the potential for medical advances and therapies that could make these and other diseases as obsolete as polio and small pox, and the National Institutes of Health have proposed an ethically sound policy to further this research. I support Federal funding for embryonic stem cell research because without it we run the risk of missing an historic opportunity to improve the lives of millions of North Carolinians, Americans and people around the world. Without Federal funding for this basic research we could condemn millions of human beings to the pain, misery and suffering of debilitating and degenerative diseases that otherwise might be cured.

I understand that many of the opponents of this legislation have moral qualms about using embryos for research. But the embryos covered under this legislation would otherwise be discarded, so defeat of this legislation would do nothing to assuage moral difficulties surrounding destruction of embryos. And defeat of this legislation would deny innocent victims of terrible diseases the opportunity of relief from their suffering and healing of their afflictions. I support funding for this research because of the bright promise it holds to make life better and more productive for generations to come.

Our North Carolina values guide us to expand scientific and medical knowledge to enhance the health and well being of our families, neighbors and fellow citizens, and this research is key to that effort.

Mr. LEVIN. Mr. Speaker, I rise in support of the Stem Cell Research Enhancement Act.

The American people need and want a carefully crafted stem cell research policy that allows us to seek scientific breakthroughs.

We do not have such a policy today. The stem cell policy established by President Bush is severely restrictive and arbitrary. The National Institutes of Health has reported that of the 78 stem cell lines promised by President Bush, only 22 lines meet the President's criteria for use. A number of those lines have developed genetic mutations which will make research on them useless. The vast majority of the remaining usable lines are in other countries that have shown little interest in making them available to U.S. researchers. As a result, our researchers are falling behind their counterparts in other countries, and our citizens are watching their hopes for cures within their lifetimes slip away.

What is at stake are potential cures for diseases such as Alzheimer's, Parkinson's, diabetes and cancer.

The Stem Cell Research Enhancement Act expands the number of stem cell lines that are available for federally funded research. The bill also implements strong ethical requirements on stem cell lines that would be eligible for federally funded research.

This is an issue that can impact families across America, crossing all lines of income, political persuasion or religious affiliation. Furthermore, delay in effectively resolving this issue could for countless Americans be a matter of basic health or indeed life. Keeping in mind the essential federal role in critical basic health research, I believe that it is essential that we support this bill so our country can continue in the lead in exploring the frontiers of science and medicine.

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

Pursuant to the order of the House of Monday, May 23, 2005, the bill is considered read for amendment and the previous question is ordered.

The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. CASTLE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on passage of H.R. 810 will be followed by 5-minute votes on:

suspending the rules and passing H.R. 2520; and

suspending the rules and passing H.R. 1224, as amended.

The vote was taken by electronic device, and there were—yeas 238, nays 194, not voting 2, as follows:

[Roll No. 204]

YEAS—238

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Barton (TX)
Bass
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bono
Boren
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Calvert
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Coble
Conyers
Cooper
Costa
Cramer
Crowley
Cuellar
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Dreier
Edwards
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Ford
Fossella
Frank (MA)
Frelinghuysen
Gerlach
Gibbons
Gilchrest
Gonzalez
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kelly
Kennedy (RI)
Kilpatrick (MI)
Kind
Kirk
Kolbe
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lofgren, Zoe
Lowey
Lynch
Mack
Maloney
Markey
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Ramstad
Rangel
Regula
Reyes
Rohrabacher
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Sweeney
Tanner
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—194

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Beauprez
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boozman
Boustany
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Buyer
Camp
Cannon
Cantor
Carter
Chabot
Chocola
Cole (OK)
Conaway
Costello
Cox
Crenshaw
Cubin
Culberson
Davis (KY)
Davis (TN)
Davis, Jo Ann
Deal (GA)

DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Duncan
Ehlers
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastert
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Istook
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Kaptur
Keller
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kuhl (NY)
LaHood
Latham
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
Marshall
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Price (GA)
Putnam
Radanovich
Rahall
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shuster
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Stupak
Sullivan
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Turner
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf

NOT VOTING—2

Hastings (WA)
Millender-McDonald

□ 1807

Ms. CARSON and Mr. BUTTERFIELD changed their vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

STEM CELL THERAPEUTIC AND RESEARCH ACT OF 2005

The SPEAKER pro tempore (Mr. LAHOOD). The pending business is the question of suspending the rules and passing the bill, H.R. 2520.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. BARTON) that the House suspend the rules and pass the bill, H.R. 2520, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 431, nays 1, not voting 2, as follows:

[Roll No. 205]

YEAS—431

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
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
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastert
Hastings (FL)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
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
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
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
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—2

Hastings (WA)
Millender-McDonald

□ 1817

So (two thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

BUSINESS CHECKING FREEDOM ACT OF 2005

The SPEAKER pro tempore (Mr. LAHOOD). The unfinished business is the question of suspending the rules and passing the bill, H.R. 1224, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Mrs. KELLY) that the House suspend the rules and pass the bill, H.R. 1224, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 424, nays 1, not voting 8, as follows:

[Roll No. 206]

YEAS—424

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean

Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
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
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
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
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)
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
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Otter
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
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
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
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

DeFazio

NOT VOTING—8

Boswell
Dingell
Hastings (WA)
Linder
Meeks (NY)
Millender-McDonald
Osborne
Wicker

□ 1824

So (two thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MAKING IN ORDER FURTHER AMENDED VERSION AND LIMITATION ON AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 2419, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2006

Mr. HOBSON. Mr. Speaker, I ask unanimous consent that, during further consideration of H.R. 2419 in the Committee of the Whole pursuant to House Resolution 291, the amendment I have placed at the desk be considered as adopted in the House and in the Committee of the Whole and be considered as original text for purpose of further amendment; and that no further amendment to the bill, as amended, may be offered except:

Pro forma amendments offered at any point in the reading by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate;

Amendments printed in the RECORD and numbered 1, 2, and 5;

The amendment printed in the RECORD and numbered 3, which shall be debatable for 24 minutes;

The amendment printed in the RECORD and numbered 4, which shall be debatable for 30 minutes;

An amendment by the gentleman from Vermont (Mr. SANDERS) regarding funding for Energy Smart schools;

An amendment by the gentlewoman from Illinois (Mrs. BIGGERT) regarding Laboratory-Directed Research and Development;

An amendment by the gentleman from Massachusetts (Mr. MARKEY) regarding funding for interim storage and reprocessing;

An amendment by the gentleman from Massachusetts (Mr. MARKEY) regarding security assessments;

An amendment by the gentleman from Kansas (Mr. TIAHRT) regarding promulgation of regulations affecting competitiveness;

An amendment by the gentleman from New York (Mr. BOEHLERT) regarding contribution of funds to ITER; and

An amendment by the gentleman from North Carolina (Mr. JONES) regarding funding for operation and maintenance for the Corps of Engineers.

Each such amendment may be offered only by the Member named in this request or a designee, or the Member who caused it to be printed in the RECORD or a designee, shall be considered as read, shall not be subject to amendment except that the chairman and ranking minority member of the Committee on Appropriations and the Energy and Water Development, and Related Agencies Subcommittee each may offer one pro forma amendment for the purpose of debate; and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

Except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent. An amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment to H.R. 2419 offered by Mr. HOBSON:

Strike the provision beginning on page 2, line 19; page 4, line 20; page 5, line 14; and page 7, line 2 and insert in lieu thereof in each instance the following:

''Provided, That, except as provided in section 101 of this Act, the amounts made available under this paragraph shall be expended as authorized in law for the projects and activities specified in the report acompanying this Act.''

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

There was no objection.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2006

The SPEAKER pro tempore. Pursuant to House Resolution 291 and rule

XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2419.

□ 1830

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2419) making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes, with Mr. GOODLATTE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, all time for general debate had expired.

Pursuant to the order of the House of today, the amendment reported therewith is adopted and the bill, as amended, shall be considered as original text for the purpose of further amendment.

No further amendment to the bill, as amended, may be offered except:

Pro forma amendments offered at any point in the reading by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate;

Amendments printed in the RECORD and numbered 1, 2 and 5;

The amendment printed in the RECORD and numbered 3, which shall be debatable for 24 minutes;

The amendment printed in the RECORD and numbered 4, which shall be debatable for 30 minutes;

An amendment by Mr. SANDERS regarding funding for Energy Smart schools;

An amendment by Mrs. BIGGERT regarding Laboratory-Directed Research and Development;

An amendment by Mr. MARKEY regarding funding for interim storage and reprocessing;

An amendment by Mr. MARKEY regarding security assessments;

An amendment by Mr. TIAHRT regarding promulgation of regulations affecting competitiveness;

An amendment by Mr. BOEHLERT regarding contribution of funds to ITER;

An amendment by Mr. JONES of North Carolina regarding funding for operation and maintenance of the Corps of Engineers.

Each such amendment may be offered only by the Member named in the request or a designee, or the Member who caused it to be printed in the RECORD or a designee, shall be considered as read, shall not be subject to amendment except that the chairman and ranking minority member of the Committee on Appropriations and the Subcommittee on Energy and Water Development and Related Agencies each may offer one pro forma amendment for the purpose of debate; and shall not be subject to a demand for division of the question.

Except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent.

Mr. HOBSON. Mr. Chairman, I ask unanimous consent that title I be considered as read, printed in the RECORD and open to amendment at any point.

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

There was no objection.

The text of title I is as follows:

H.R. 2419

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2006, for energy and water development and for other purposes, namely:

TITLE I

CORPS OF ENGINEERS—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood and storm damage reduction, aquatic ecosystem restoration, and related purposes.

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects, restudy of authorized projects, miscellaneous investigations, and, when authorized by law, surveys and detailed studies and plans and specifications of projects prior to construction, $100,000,000 to remain available until expended: *Provided,* That, except as provided in section 101 of this Act, the amounts made available under this paragraph shall be expended as authorized in law for the projects and activities specified in the report accompanying this Act.

CONSTRUCTION

For expenses necessary for the construction of river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law; for conducting detailed studies, and plans and specifications, of such projects (including those involving participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such detailed studies, and plans and specifications, shall not constitute a commitment of the Government to construction); and for the benefit of federally listed species to address the effects of civil works projects owned or operated by the United States Army Corps of Engineers, $1,763,000,000, to remain available until expended; of which such sums as are necessary to cover the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund as authorized by Public Law 104–303; and of which $182,668,000, pursuant to Public Law 99–662, shall be derived from the Inland Waterways Trust Fund, to cover one-half of the costs of construction and rehabilitation of inland waterways projects; and of which $4,000,000 shall be exclusively for projects and activities authorized under section 107 of the River and Harbor Act of 1960; and of which $500,000 shall be exclusively for projects and activities authorized under section 111 of the River and Harbor Act of 1968; and of which $1,000,000 shall be exclusively for projects and activities authorized under section 103 of the River and Harbor Act of 1962; and of which $25,000,000 shall be exclusively available for projects and activities authorized under section 205 of the Flood Control Act of 1948; and of which $8,000,000 shall be exclusively for projects and activities authorized under section 14 of the Flood Control Act of 1946; and of which $400,000 shall be exclusively for projects and activities authorized under section 208 of the Flood Control Act of 1954; and of which $17,400,000 shall be exclusively for projects and activities authorized under section 1135 of the Water Resources Development Act of 1986; and of which $18,000,000 shall be exclusively for projects and activities authorized under section 206 of the Water Resources Act of 1996; and of which $4,000,000 shall be exclusively for projects and activities authorized under section 204 of the Water Resources Act of 1992: *Provided,* That, except as provided in section 101 of this Act, the amounts made available under this paragraph shall be expended as authorized in law for the projects and activities specified in the report accompanying this Act.

In addition, $137,000,000 shall be available for projects and activities authorized under 16 U.S.C. 410–r–8 and section 601 of Public Law 106–541.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For expenses necessary for the flood damage reduction program for the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, $290,000,000 to remain available until expended, of which such sums as are necessary to cover the Federal share of operation and maintenance costs for inland harbors shall be derived from the Harbor Maintenance Trust Fund: *Provided,* That, except as provided in section 101 of this Act, amounts made available under this paragraph shall be expended as authorized in law for the projects and activities specified in the report accompanying this Act.

OPERATION AND MAINTENANCE

For expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law; for the benefit of federally listed species to address the effects of civil works projects owned or operated by the United States Army Corps of Engineers (the ''Corps''); for providing security for infrastructure owned and operated by, or on behalf of, the Corps, including administrative buildings and facilities, laboratories, and the Washington Aqueduct; for the maintenance of harbor channels provided by a State, municipality, or other public agency that serve essential navigation needs of general commerce, where authorized by law; and for surveys and charting of northern and northwestern lakes and connecting waters, clearing and straightening channels, and removal of obstructions to navigation, $2,000,000,000 to remain available until expended, of which such sums to cover the Federal share of operation and maintenance costs for coastal harbors and channels, and inland harbors shall be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662 may be derived from that fund; of which such sums as become available from the special account for the Corps established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–6a(i)), may be derived from that account for resource protection, research, interpretation, and maintenance activities related to

resource protection in the areas at which outdoor recreation is available; and of which such sums as become available under section 217 of the Water Resources Development Act of 1996, Public Law 104–303, shall be used to cover the cost of operation and maintenance of the dredged material disposal facilities for which fees have been collected: *Provided*, That, except as provided in section 101 of this Act, the amounts made available under this paragraph shall be expended as authorized in law for the projects and activities specified in the report accompanying this Act.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $160,000,000, to remain available until expended.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites in the United States resulting from work performed as part of the Nation's early atomic energy program, $140,000,000, to remain available until expended.

GENERAL EXPENSES

For expenses necessary for general administration and related civil works functions in the headquarters of the United States Army Corps of Engineers, the offices of the Division Engineers, the Humphreys Engineer Center Support Activity, the Institute for Water Resources, the United States Army Engineer Research and Development Center, and the United States Army Corps of Engineers Finance Center, $152,021,000 to remain available until expended: *Provided*, That no part of any other appropriation provided in this Act shall be available to fund the civil works activities of the Office of the Chief of Engineers or the civil works executive direction and management activities of the division offices.

OFFICE OF ASSISTANT SECRETARY OF THE ARMY (CIVIL WORKS)

For expenses necessary for the Office of Assistant Secretary of the Army (Civil Works), as authorized by 10 U.S.C. 3016(b)(3), $4,000,000.

ADMINISTRATIVE PROVISION

Appropriations in this title shall be available for official reception and representation expenses not to exceed $5,000; and during the current fiscal year the Revolving Fund, Corps of Engineers, shall be available for purchase not to exceed 100 for replacement only and hire of passenger motor vehicles.

GENERAL PROVISIONS

CORPS OF ENGINEERS—CIVIL

SEC. 101. (a) None of the funds provided in title I of this Act shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates or initiates a new program, project, or activity;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel for any program, project, or activity for which funds are denied or restricted by this Act;

(4) reduces funds that are directed to be used for a specific program, project, or activity by this Act;

(5) increases funds for any program, project, or activity by more than $2,000,000 or 10 percent, whichever is less; or

(6) reduces funds for any program, project, or activity by more than $2,000,000 or 10 percent, whichever is less.

(b) Subsection (a)(1) shall not apply to any project or activity authorized under section 205 of the Flood Control Act of 1948, section 14 of the Flood Control Act of 1946, section 208 of the Flood Control Act of 1954, section 107 of the River and Harbor Act of 1960, section 103 of the River and Harbor Act of 1962, section 111 of the River and Harbor Act of 1968, section 1135 of the Water Resources Development Act of 1986, section 206 of the Water Resources Act of 1996, or section 204 of the Water Resources Act of 1992.

SEC. 102. None of the funds appropriated in this Act may be used by the United States Army Corps of Engineers to support activities related to the proposed Ridge Landfill in Tuscarawas County, Ohio.

SEC. 103. None of the funds appropriated in this Act may be used by the United States Army Corps of Engineers to support activities related to the proposed Indian Run Sanitary Landfill in Sandy Township, Stark County, Ohio.

SEC. 104. In overseeing the use of continuing and multiyear contracts for water resources projects, the Secretary of the Army shall take all necessary steps in fiscal year 2006 and thereafter to ensure that the Corps limits the duration of each multiyear contract to the term needed to achieve a substantial reduction of costs on the margin; and limits the amount of work performed each year on each project to the funding provided for that project during the fiscal year.

SEC. 105. After February 6, 2006, none of the funds made available in title I of this Act may be used to award any continuing contract or to make modifications to any existing continuing contract that obligates the United States Government during fiscal year 2007 to make payment under such contract for any project that is proposed for deferral or suspension in fiscal year 2007 in the materials prepared by the Assistant Secretary of the Army (Civil Works) for that fiscal year pursuant to provisions of chapter 11 of title 31, United States Code.

SEC. 106. None of the funds made available in title I of this Act may be used to award any continuing contract or to make modifications to any existing continuing contract that reserves an amount for a project in excess of the amount appropriated for such project pursuant to this Act.

SEC. 107. None of the funds in title I of this Act shall be available for the rehabilitation and lead and asbestos abatement of the dredge *McFarland*: *Provided*, That amounts provided in title I of this Act are hereby reduced by $18,630,000.

SEC. 108. None of the funds in this Act may be expended by the Secretary of the Army to construct the Port Jersey element of the New York and New Jersey Harbor or to reimburse the local sponsor for the construction of the Port Jersey element until commitments for construction of container handling facilities are obtained from the non-Federal sponsor for a second user along the Port Jersey element.

POINT OF ORDER

Mr. DUNCAN. Mr. Chairman, I rise to a point of order against Section 104.

The CHAIRMAN. The gentleman will state his point of order.

Mr. DUNCAN. Mr. Chairman, this section violates clause 2 of rule XXI. It changes existing law, and therefore constitutes legislating on an appropriations bill in violation of House rules.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. HOBSON. Mr. Chairman, we concede the point of order.

The CHAIRMAN. The point of order is conceded and sustained. The provision is stricken from the bill.

Mr. DUNCAN. Mr. Chairman, I rise to express my concern about what may be the unintended consequences of some of the General Provisions applicable to the Corps of Engineers in this FY 2006 Energy and Water Development appropriations bill. I appreciate that Chairman HOBSON and Ranking Member VISCLOSKY have faced a difficult task in trying to meet the nation's water resources needs in a time of constrained budgets. I also know that the Energy and Water Appropriations Subcommittee has had some concerns about how the Corps of Engineers is managing the civil works program, particularly as it relates to reprogramming funds and to the use of contracts for work that is completed over several fiscal years—called continuing contracts.

However, I am concerned that the legislation before the House today will make it even more difficult to meet important navigation, flood control, and environmental restoration needs all over the country. The Corps' civil works budget request is based on the best information the Corps has at the time the request is made. However, circumstances can change over the course of a year. Severe weather may increase operation and maintenance costs. Major construction projects may get delayed for technical reasons. For these reasons, the Corps has traditionally attempted to maximize the benefits to the nation with the available funds by reprogramming money to best meet current needs and conditions. I agree that the Corps should get Congressional concurrence before moving around funds that have been earmarked in the report of the Appropriations Committee. I also agree that the Corps needs to track and report these reprogramming decisions, so the impact on current and future budgets is transparent. However, H.R. 2419 goes far beyond tracking and transparency and places severe restrictions on reprogramming—which could have adverse consequences for projects all over the country.

For example, if we need to conduct emergency maintenance at Chickamauga Lock in fiscal year 2006, to address the concrete growth there, and the cost is more than $2 million above the amount earmarked for operation and maintenance of that lock, the Corps will not be able to reprogram funds to carry out that work. I don't think that is the Committee's intent. H.R. 2419 also tries to place limits on the Corps' use of continuing contracts to carry out civil works projects. In a minute, I will make a point of order to remove section 104 from the bill. The Corps has had authority to enter into continuing contracts since 1922, at the discretion of the Secretary. In the Water Resources Development Act of 1999, Congress removed the Secretary's discretion and required the Corps to begin each project for which funds were provided in an Appropriations Act, using a continuing contract if the Act did not provide full funding. Congress made this change in law to prevent the prior Administration from imposing a full funding policy on the Corps.

If Corps projects had to be fully funded, the Corps would be able to undertake very few projects each year. Under a full funding policy, most appropriated funds would simply sit in the Treasury, waiting for years to be expended, while other critical navigation, flood control and environmental restoration needs go unmet.

I understand that H.R. 2419 does not completely eliminate the use of continuing contracts, but the limits it proposes may be ill-advised. I am told that section 105 of the bill represents an attempt to ensure that funding is

requested each year for projects carried out using a continuing contract. However, the language that is before the House today gives Congressional priorities less favorable treatment than Administration requests. Under section 105 of the bill, if a member is successful in obtaining funding for a Congressionally-added project in the FY 2006 Energy and Water Appropriations Act, but does not receive full funding for the project, the Corps has three alternatives to carry out the project: (1) Hope to get a continuing contract awarded before February 6, 2006 (which will be difficult given the complexity of the Federal Acquisition Regulations); (2) Award a single year contract for only one increment of the project (resulting in increased costs); or (3) Wait until fiscal year 2008 to award a continuing contract for the project (delaying construction of the project).

In contrast, Administration priorities may be carried out using continuing contracts. Finally, I want to applaud the Committee's effort to improve the quality of the information in the budget documents submitted by the Corps to Congress each fiscal year. In fact, I believe that if the Corps provides Congress with budget documents that are transparent about the funding needs of all ongoing projects, the Appropriations Committee will have sufficient information to address its concerns regarding both the use of continuing contracts and reprogramming.

This information will make it unnecessary to place further restrictions on the Corps' ability to manage the civil works program. The importance of the civil works program of the Army Corps of Engineers to our nation's economic security cannot be overstated. I look forward to continuing to work with the Committee to ensure that the Corps is able to continue to carry out its mission.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, $32,614,000, to remain available until expended, of which $946,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission.

In addition, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior, $1,736,000, to remain available until expended.

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

(INCLUDING TRANSFER OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, Indian tribes, and others, $832,000,000, to remain available until expended, of which $55,544,000 shall be available for transfer to the Upper Colorado River Basin Fund and $21,998,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund; of which not more than $500,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706: *Provided*, That such transfers may be increased or decreased within the overall appropriation under this heading: *Provided further*, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 4601–6a(i) shall be derived from that Fund or account: *Provided further*, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: *Provided further*, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: *Provided further*, That funds available for expenditure for the Departmental Irrigation Drainage Program may be expended by the Bureau of Reclamation for site remediation on a non-reimbursable basis.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, and habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, $52,219,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), 3405(f), and 3406(c)(1) of Public Law 102–575, to remain available until expended: *Provided*, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102–575: *Provided further*, That none of the funds made available under this heading may be used for the acquisition or leasing of water for in-stream purposes if the water is already committed to in-stream purposes by a court adopted decree or order.

CALIFORNIA BAY-DELTA RESTORATION

(INCLUDING TRANSFER OF FUNDS)

For carrying out activities authorized by the Calfed Bay Delta Authorization Act, consistent with plans to be approved by the Secretary of the Interior, $35,000,000, to remain available until expended, of which such amounts as may be necessary to carry out such activities may be transferred to appropriate accounts of other participating Federal agencies to carry out authorized purposes: *Provided*, That funds appropriated herein may be used for the Federal share of the costs of CALFED Program management: *Provided further*, That the use of any funds provided to the California Bay-Delta Authority for program-wide management and oversight activities shall be subject to the approval of the Secretary of the Interior: *Provided further*, That CALFED implementation shall be carried out in a balanced manner with clear performance measures demonstrating concurrent progress in achieving the goals and objectives of the Program.

POLICY AND ADMINISTRATION

For necessary expenses of policy, administration, and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, $57,917,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed 14 passenger motor vehicles, of which 11 are for replacement only.

GENERAL PROVISIONS

DEPARTMENT OF THE INTERIOR

SEC. 201. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the ''Cleanup Program-Alternative Repayment Plan'' and the ''SJVDP-Alternative Repayment Plan'' described in the report entitled ''Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995'', prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

SEC. 202. None of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to purchase or lease water in the Middle Rio Grande or the Carlsbad Projects in New Mexico unless said purchase or lease is in compliance with the purchase requirements of section 202 of Public Law 106–60.

SEC. 203. (a) Section 1(a) of the Lower Colorado Water Supply Act (Public Law 99–655) is amended by adding at the end the following: ''The Secretary is authorized to enter into an agreement or agreements with the city of Needles or the Imperial Irrigation District for the design and construction of the remaining stages of the Lower Colorado Water Supply Project on or after November 1, 2004, and the Secretary shall ensure that any such agreement or agreements include provisions setting forth (1) the responsibilities of the parties to the agreement for design and construction; (2) the locations of the remaining wells, discharge pipelines, and power transmission lines; (3) the remaining design capacity of up to 5,000 acre-feet per year which is the authorized capacity less the design capacity of the first stage constructed; (4) the procedures and requirements for approval and acceptance by the Secretary of the remaining stages, including approval of the quality of construction, measures to protect the public health and safety, and procedures for protection of such stages; (5) the rights, responsibilities, and liabilities of each party to the agreement; and (6) the term of the agreement.''.

(b) Section 2(b) of the Lower Colorado Water Supply Act (Public Law 99–655) is amended by adding at the end the following: ''Subject to the demand of such users along or adjacent to the Colorado River for Project water, the Secretary is further authorized to contract with additional persons or entities who hold Boulder Canyon Project Act section 5 contracts for municipal and industrial uses within the State of California for the use or benefit of Project water under such

terms as the Secretary determines will benefit the interest of Project users along the Colorado River.''.

Mr. HOBSON (during the reading). Mr. Chairman, I ask unanimous consent that title II be considered as read, printed in the RECORD and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY SUPPLY AND CONSERVATION

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy supply and energy conservation activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $1,762,888,000, to remain available until expended.

CLEAN COAL TECHNOLOGY

(DEFERRAL)

Of the funds made available under this heading for obligation in prior years, $257,000,000 shall not be available until October 1, 2006: *Provided*, That funds made available in previous appropriations Acts shall be made available for any ongoing project regardless of the separate request for proposal under which the project was selected.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, the hire of passenger motor vehicles, the hire, maintenance, and operation of aircraft, the purchase, repair, and cleaning of uniforms, the reimbursement to the General Services Administration for security guard services, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), $502,467,000, to remain available until expended, of which $18,000,000 is to continue a multi-year project coordinated with the private sector for FutureGen, without regard to the terms and conditions applicable to clean coal technological projects: *Provided*, That the initial planning and research stages of the FutureGen project shall include a matching requirement from non-Federal sources of at least 20 percent of the costs: *Provided further*, That any demonstration component of such project shall require a matching requirement from non-Federal sources of at least 50 percent of the costs of the component: *Provided further*, That of the amounts provided, $50,000,000 is available, after coordination with the private sector, for a request for proposals for a Clean Coal Power Initiative providing for competitively-awarded research, development, and demonstration projects to reduce the barriers to continued and expanded coal use: *Provided further*, That no project may be selected for which sufficient funding is not available to provide for the total project: *Provided further*, That funds shall be expended in accordance with the provisions governing the use of funds contained under the heading ''Clean Coal Technology'' in 42 U.S.C. 5903d as well as those contained under the heading ''Clean Coal Technology'' in prior appropriations: *Provided further*, That the Department may include provisions for repayment of Government contributions to individual projects in an amount up to the Government contribution to the project on terms and conditions that are acceptable to the Department including repayments from sale and licensing of technologies from both domestic and foreign transactions: *Provided further*, That such repayments shall be retained by the Department for future coal-related research, development and demonstration projects: *Provided further*, That any technology selected under this program shall be considered a Clean Coal Technology, and any project selected under this program shall be considered a Clean Coal Technology Project, for the purposes of 42 U.S.C. 7651n, and chapters 51, 52, and 60 of title 40 of the Code of Federal Regulations: *Provided further*, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas: *Provided further*, That up to 4 percent of program direction funds available to the National Energy Technology Laboratory may be used to support Department of Energy activites not included in this account: *Provided further*, That the Secretary of Energy is authorized to accept fees and contributions from public and private sources, to be deposited in a contributed funds account, and prosecute projects using such fees and contributions in cooperation with other Federal, State, or private agencies or concerns: *Provided further*, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under the Fossil Energy Research and Development account may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For expenses necessary to carry out naval petroleum and oil shale reserve activities, including the hire of passenger motor vehicles, $18,500,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

ELK HILLS SCHOOL LANDS FUND

For necessary expenses in fulfilling installment payments under the Settlement Agreement entered into by the United States and the State of California on October 11, 1996, as authorized by section 3415 of Public Law 104–106, $48,000,000, for payment to the State of California for the State Teachers' Retirement Fund, of which $46,000,000 will be derived from the Elk Hills School Lands Fund.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), including the hire of passenger motor vehicles, the hire, maintenance, and operation of aircraft, the purchase, repair, and cleaning of uniforms, the reimbursement to the General Services Administration for security guard services, $166,000,000, to remain available until expended.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $86,426,000, to remain available until expended.

NON-DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed six passenger motor vehicles, of which five shall be for replacement only, $319,934,000, to remain available until expended.

AMENDMENT OFFERED BY MR. SANDERS

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

The CHAIRMAN. Would the gentleman from Vermont submit his amendment? The Clerk does not seem to have it. Is there objection to returning to that point in the reading?

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. SANDERS:

Page 19, line 5, after the dollar amount, insert the following: ''(increased by $1,000,000)''.

Page 27, line 9, after the dollar amount, insert the following: ''(reduced by $1,000,000)''.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Vermont (Mr. SANDERS) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Vermont (Mr. SANDERS).

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

Mr. Chairman, first I would like to thank my colleagues for allowing me to offer the amendment.

Mr. Chairman, I have an amendment at the desk. The legislative intent of this amendment is to increase the funding for the EnergySmart Schools Program administered by the Department of Energy by $1,000,000, offset by a reduction in administrative expenses for the Department of Energy's public affairs department. It is the intent of this amendment that the increased funds for the EnergySmart Schools program will be directly administered and the grants be directly made by the DOE's National Renewable Energy Laboratory and that they will not go through a third part. I am aware that the public affairs department of the DOE has received an increase of $1,000,000 above Fiscal Year 2005 funding and it is the intent of this amendment to return the funding for the public affairs department to the Fiscal Year 2005 level.

Mr. Chairman, our Nation's school systems are in crisis. Their budgets are threadbare and most can barely pay their teachers a living wage. To make matters worse, America's school buildings are aging—the average age is 42 years—and the vast majority could greatly benefit from energy-saving improvements. Unfortunately, school administrators are often hard-pressed to allocate any of their limited funds toward improving the energy efficiency of their buildings and systems, even when it is clear that such improvements would save them substantial sums of money that could

help pay their teachers of the future. Fortunately, the Department of Energy has an energy conservation program to help these schools do just that: to implement energy-saving strategies that save money, help children learn about energy and create improved teaching and learning environments.

The Department of Energy's EnergySmart Schools Program—an integral and active part of the Rebuild America program—is committed to building a nation of schools that are smart about every aspect of energy. The program provides information on energy efficient solutions for school bus transportation, conducting successful building projects and teaching about energy, energy efficiency, and renewable energy. It also works with school districts to introduce energy-saving improvements to the physical environment, enabling many schools to leverage their energy savings to pay for needed improvements, and it takes a proactive role in promoting and supporting energy education in our schools.

Often, this enables school districts to save big on utility bills and maintenance costs, in turn freeing up funds to pay for books, computers and teachers, and improve indoor air quality and comfort. According to the Department of Energy, nationally, K–12 schools spend more than $6 billion a year on energy and at least 25 percent of that could be saved through smarter energy management, meaning energy improvements could cut the Nation's school bill by $1.5 billion each year. As an added benefit, many of the same improvements that help to lower a school's energy consumption also serve to improve the classroom environment, removing noisy, inefficient heating and cooling systems, inadequate lights, and ventilation systems that don't restrict indoor contaminants.

In short, Mr. Chairman, the EnergySmart Schools program helps our Nation's schools to implement energy-saving strategies that save money, help children learn about energy and create improved teaching and learning environments. My amendment would add $1,000,000 to support this excellent program—offset by a reduction in administrative expenses for the Department of Energy's public affairs department.

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

Mr. SANDERS. I yield to the gentleman from Ohio.

Mr. HOBSON. Mr. Chairman, if we do not have to engage in any further debate, I support the gentleman and am prepared to accept the amendment.

Mr. SANDERS. Mr. Chairman, reclaiming my time, I thank my friend very much.

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

The CHAIRMAN. Is there further debate on the amendment?

If not, the question is on the amendment offered by the gentleman from Vermont (Mr. SANDERS).

The amendment was agreed to.

Mr. HOBSON. Mr. Chairman, I move to strike the last word.

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

Mr. HOBSON. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I understand there is a provision in the report accompanying this bill regarding employees of DOE contractors who are on detail in the Washington, D.C., area.

Mr. HOBSON. That is correct.

Mr. DICKS. The provision applies to those who are on detail from their home laboratory location. Is that not the intent of this section?

Mr. HOBSON. That is correct.

Mr. DICKS. Mr. Chairman, the gentleman should agree that provisions should not apply to scientists who are located here in the Washington, D.C., area and who have never been on detail from their home laboratory; that is, they have lived here for the duration of their employment without ever having been located at the home lab. In addition, they have not incurred additional transportation and housing costs associated with detailees for temporary assignments in the Washington, D.C., area.

Mr. HOBSON. Mr. Chairman, reclaiming my time, that is my understanding.

Mr. DICKS. Mr. Chairman, if the gentleman would yield further, would the gentleman agree that staff affiliated with the Pacific Northwest National Laboratory, located at the Joint Global Change Research Institute, who were never detailed to Washington, D.C., should be excluded from the list of contractor detailees referenced in this report?

Mr. HOBSON. I agree.

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

Mr. HOBSON. I yield to the gentleman from Idaho.

Mr. OTTER. Mr. Chairman, as the gentleman knows, the State of Idaho has an agreement with the United States Department of Energy, enforceable by the courts, that prohibits commercial spent nuclear fuel from coming into the Idaho National Laboratory for storage.

Would the language contained within the report in any way change the existing law or alter the provisions of the State of Idaho's agreement with the Department of Energy?

Mr. HOBSON. Mr. Chairman, reclaiming my time, no, it would not.

Mr. OTTER. I thank the gentleman very much for that clarification.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions, and other activities of title II of the Atomic Energy Act of 1954, as amended, and title X, subtitle A, of the Energy Policy Act of 1992, $591,498,000, to be derived from the Fund, to remain available until expended, of which $20,000,000 shall be available in accordance with title X, subtitle A, of the Energy Policy Act of 1992.

SCIENCE

For Department of Energy expenses including the purchase, construction and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not to exceed forty-seven passenger motor vehicles for replacement only, including not to exceed one ambulance and two buses, $3,666,055,000, to remain available until expended.

NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of the Nuclear Waste Policy Act of 1982, Public Law 97–425, as amended (the ''Act''), including the acquisition of real property or facility construction or expansion, $310,000,000, to remain available until expended and to be derived from the Nuclear Waste Fund: *Provided*, That of the funds made available in this Act for Nuclear Waste Disposal, $3,500,000 shall be provided to the State of Nevada solely for expenditures, other than salaries and expenses of State employees, to conduct scientific oversight responsibilities and participate in licensing activities pursuant to the Act: *Provided further*, That $7,000,000 shall be provided to affected units of local governments, as defined in the Act, to conduct appropriate activities and participate in licensing activities: *Provided further*, That the distribution of the funds as determined by the units of local government shall be approved by the Department of Energy: *Provided further*, That the funds for the State of Nevada shall be made available solely to the Nevada Division of Emergency Management by direct payment and units of local government by direct payment: *Provided further*, That within 90 days of the completion of each Federal fiscal year, the Nevada Division of Emergency Management and the Governor of the State of Nevada and each local entity shall provide certification to the Department of Energy that all funds expended from such payments have been expended for activities authorized by the Act and this Act: *Provided further*, That failure to provide such certification shall cause such entity to be prohibited from any further funding provided for similar activities: *Provided further*, That none of the funds herein appropriated may be: (1) used directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for lobbying activity as provided in 18 U.S.C. 1913; (2) used for litigation expenses; or (3) used to support multi-State efforts or other coalition building activities inconsistent with the restrictions contained in this Act: *Provided further*, That all proceeds and recoveries realized by the Secretary in carrying out activities authorized by the Act, including but not limited to, any proceeds from the sale of assets, shall be available without further appropriation and shall remain available until expended.

AMENDMENT OFFERED BY MR. MARKEY

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

The CHAIRMAN. Is there objection to consideration of the amendment offered by the gentleman from Massachusetts (Mr. MARKEY)?

Hearing none, the Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MARKEY:

Page 19, line 5, insert ''(reduced by $5,500,000) (increased by $8,500,000) (increased by $3,500,000) (increased by $3,500,000)'' after ''$1,762,888,000''.

Page 25, line 12, insert ''(reduced by $10,000,000)'' after ''$310,000,000''.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. MARKEY).

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

Mr. Chairman, the amendment which the gentleman from New Jersey (Mr. HOLT), the gentleman from Washington (Mr. INSLEE) and I are offering would take $15.5 million from the Committee on Appropriations, which was added on to the President's request for reprocessing and nuclear waste management, and reallocate these funds to programs that would improve energy efficiency.

We are offering this amendment today because we believe that now is the time to undo a policy first adopted back in the 1970s which discourages reprocessing of commercial spent fuel. We believe that nonproliferation risks associated with reprocessing are too great, that reprocessing is not economical and the additional funds recommended for reprocessing would be better spent on improving our Nation's energy efficiency.

First, reprocessing presents grave proliferation risks. President Ford first put this ban on reprocessing in place. It gives us the high moral ground as we look at the North Koreans and Iranians to tell them not to do it. It only makes sense.

Secondly, reprocessing is not economical. It would only be economical if, in fact, there was not a glut of uranium, which is what it is that we have in the world today.

Third, reprocessing is not safe. Twenty tons of highly radioactive material leaked from a broken pipe at a nuclear reprocessing plant in the United Kingdom in April of this year. This area is going to remain closed for a long, long time.

Fifth, the $15.5 million appropriated for reprocessing and interim storage would be better spent on energy efficiency priorities. It would be better to just use it to work smarter and not harder. The more efficient that we make our society is the absolute fastest way in order to guarantee that we would make ourselves less dependent upon imported oil, not moving along the route that this $15.5 million appropriation would move it.

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

Mr. HOBSON. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. HOBSON. Mr. Chairman, I yield 2 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Chairman, I rise today in strong opposition to the Markey amendment, which would cut funding for a program that ultimately could solve our nuclear waste problem.

I am proud to say that I represent Argonne National Laboratory, which has been working for years on reprocessing and recycling technologies that will allow us to do something with spent nuclear fuel besides bury it in a mountain. If you think of nuclear fuel like a log, we currently burn only 3 percent of that log at both ends and then pull it out of the fire to bury it. The bulk of what we call nuclear waste is actually nuclear fuel, which still contains over 90 percent of its original energy content.

□ 1845

Does that make sense? No, but that is our current policy, and it is just plain wasteful.

Instead, scientists have developed ways to reprocess and recycle today's waste and turn it back into fuel. There are many advantages to these technologies which have names like UREX+ and pyroprocessing.

They are proliferation-resistant, unlike other, older technologies already in use throughout the world, including places like France, England, and Russia. They reduce the volume of our nuclear waste so much so that we will not need to build another Yucca Mountain. They also reduce the toxicity, the heat and radioactivity, of the waste so that it will not have to be stored for 10,000 years, but rather for only 300 years. That is still a long time, but we can design with certainty a repository that will last 300 years and one that can meet necessary radiation standards.

At the end of March, I visited reprocessing facilities in France with the gentleman from Ohio (Chairman HOBSON). The French have embraced reprocessing as a way to reduce the volume of the waste by a factor of four and safely store it until they decide exactly how to recycle it.

That is good for the French, but we can do better. The French are using a technology that is between 20 and 30 years old and produces pure plutonium as a by-product. The process and technologies this bill supports today are cutting edge and could reduce the volume of our waste by a factor of 60, are proliferation-resistant, and almost eliminate the long-term radiotoxicity and heat problems associated with our current spent fuel.

Unfortunately, the Markey amendment would have us forgo the benefits of this research.

Mr. MARKEY. Mr. Chairman, could you tell us how much time is remaining on either side.

The CHAIRMAN. The gentleman from Massachusetts (Mr. MARKEY) and the gentleman from Ohio (Mr. HOBSON) each have 3 minutes remaining.

Mr. MARKEY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, again, this is a huge moment. This is a decision to reverse a policy which is 30 years old. It has gone through Presidents, Democrat and Republican, going back to Gerald Ford, which essentially says to the North Koreans, to the Iranians, to every other country in the world, we are not going to reprocess our civilian-spent fuel; you should not do it either. You should stay away from it. This is too dangerous.

We otherwise will wind up preaching temperance from a bar stool. We will be in a situation where we will be reprocessing civilian-spent fuel into plutonium, and we will be trying to tell the rest of the world that they should not do it. It would be like your father telling you that you should not smoke with a pack of Camels in his hand. It just does not work. You have to have some standard as a Nation on a policy as important as the reprocessing of plutonium in order to take that position and be a leader worldwide.

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

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

I do not support the gentleman's amendment transferring all of the funds proposed for our spent fuel recycling initiative.

Our bill, and the administration's budget request, includes $750 million for the Advanced Fuel Recycle Initiative under the Office of Nuclear Energy, Science and Technology. Among other activities, this program funds research into advanced reprocessing technologies that can avoid some of the shortcomings of existing technologies.

Specifically, there are new reprocessing technologies that have the potential to minimize the waste streams of radioactive waste products and also minimize and eliminate the presence of separated plutonium. This country would be foolish to ignore the potential benefits of new technologies.

Our bill adds $5 million to this research and directs the Secretary to make recommendations by fiscal year 2007 on advanced reprocessing technologies suitable for implementation in the United States. We also direct that the Secretary establish a competitive process for selecting one or more sites for integrated spent fuel recycling facilities.

After running through a nuclear reactor, spent nuclear fuel still contains 97 percent of its energy value, yet we continue to plan to bury the spent fuel underground rather than recycle it, as other countries do very successfully. The current Yucca Mountain repository will be full to its authorized capacity by the year 2010. If we do not look to recycle our spent fuel, then DOE should start tomorrow to expand Yucca Mountain repository or select a second site. In the near term, we direct the Secretary to begin moving spent fuel away from reactive sites and into interim storage at one or more DOE sites. I believe it is essential that the government demonstrate that it will comply with the requirement to begin accepting spent fuel from the reactor sites and begin to move it on the path to disposal in the repository.

I strongly oppose living in the past. We have to move to the future. We

have to get back into this business. This is safe, this is responsible, and it is the way this country should move forward and not live in the past. Use new technology.

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

Mr. MARKEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Washington (Mr. INSLEE).

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

Mr. INSLEE. Mr. Chairman, the gentleman from Massachusetts (Mr. MARKEY) has addressed the serious ramifications of abandoning this bipartisan policy regarding reprocessing; but there is another evil that this amendment will fix, and that is an evil that, again, trying to go back to America's commitment not to do interim storage, that we made on a bipartisan basis back in 1990. We made a very conscious, bipartisan decision not to try to stick these communities with the misnomer of interim storage.

Interim storage of radioactive waste in America is sort of like the interim pyramids of Egypt: they tend to stay around a long time. There is nothing interim about this effort to put this in the Hanford Nuclear Reservation, a place where we had 450 million gallons of radioactive waste already leaking with a plume potentially heading to the Columbia River. It is now the largest cleanup site, one of, if not the, in America, and yet we intend to put more radioactive waste if this amendment is not adopted potentially at Hanford.

Why would we do this? This is sort of like coal is to New Castle when you send radioactive material to Hanford, which is the very place we are trying to clean up. This is the last place we ought to be sticking these repositories, not the first place.

I have to object to this being done in report language with no hearings, with no chance for the public to have input into this major decision of our nuclear policy. This is a distortion of how we have tried to make bipartisan policy about these very sensitive issues, and this is why we need to pass this amendment. By the way, this is not just Hanford. It is going to be driving by your neighborhoods on its way to these three interim sites.

Mr. MARKEY. Mr. Chairman, I yield myself the remainder of my time.

Mr. Chairman, this amendment goes to a central, fundamental question which this Congress is going to decide this evening. The Senate yesterday resolved something they called the nuclear option. This is the real nuclear option. This is the nuclear option which the rest of the world is going to look at: are we going back to nuclear reprocessing? Are we going to become the leader in a technology which we are telling the rest of the world we do not believe they should have, especially since we do not even need it?

So this question of nuclear weapons in the world, nuclear proliferation, this issue is a central issue in determining whether or not we are going to be the leader or we are going to be spreading these technologies across the planet. Vote ''aye'' on the Markey amendment.

The amendment that the gentleman from New Jersey (Mr. HOLT), the gentleman from Washington (Mr. INSLEE) and I are offering would take the $15.5 million that the Appropriations Committee added onto the President's request for the reprocessing and nuclear waste management and reallocate these funds to programs that would improve energy efficiency.

We are offering this amendment today because we believe that now is not the time to undo a policy first adopted back in 1970s which discourages reprocessing of commercial spent fuel. We believe that nonproliferation risks associated with reprocessing are too great, that reprocessing is not economical, and that the additional funds recommended for reprocessing would be better spent on improving our nation's energy efficiency.

Reprocessing represents grave proliferation risks. Just look at North Korea. It has been reprocessing spent fuel from its reactors to use in nuclear bombs. In response, President Bush has asked the Nuclear Suppliers Group to limit access to reprocessing technology, arguing that:

> This step will prevent new states from developing the means to produce fissile material for nuclear bombs.

How are we going to credibly ask the rest of the world to support us when we tell North Korea, Iran or any other nation that they cannot have the full fuel cycle and they can't engage in reprocessing, when we are preparing to do the same thing right here in America? It just won't fly.

You cannot preach nuclear temperance from a barstool. That is why President Gerald Ford called for an end to commercial reprocessing back in 1976, and why no President since then has successfully revived reprocessing.

Reprocessing also is not economical. A MIT study puts the cost of reprocessing at four times that of a once-through nuclear power. The current price of concentrated uranium ''yellowcake'' in the spot market is about $53.00 per kilogram. For reprocessing to be economical, there must be a sustained 8-fold increase in the long-term price of uranium. But the world is faced with a uranium glut. In addition, building a reprocessing plant would be enormously expensive. Consider Japan's nearly completed Rokkasho reprocessing plant—20 years in the making. Just building it cost on the order of $20 billion. But the total cost of Rokkasho when you factor in the full life-cycle costs—including construction, operation and decommissioning costs—is estimated to be $166 billion. Uranium costs would have to soar to 20 times what they are today for this to be economically viable.

In France, Cadarache's ATPu MOX plant has ceased commercial activity because it is not economical, but it plans to fabricate test MOX assemblies to send here. In Russia, they too have closed their reprocessing plant, RT–1, and still have not opened its successor, RT–2. The record is becoming clearer, reprocessing is not economical. Why would we think that the U.S. is immune from the fundamental laws of economics?

Reprocessing will not alleviate the nuclear waste problem. Talk to the folks at Savannah River where over 30 million gallons of high-level were left behind from reprocessing.

Under this bill, Savannah River may be targeted again for interim storage for spent fuel, awaiting reprocessing. So might Hanford and Idaho. In fact the bill report targets all DOE sites, federally owned sites, non-federal fuel storage facilities, and even closed military sites.

The Appropriations Committee Report (page 124) calls for DOE to provide ''an implementation plan for such early acceptance of commercial spent fuel, transportation to a DOE site, and centralized interim storage at one or more DOE sites.'' If appropriate DOE sites can't be found, the Report recommends that the nuclear waste be stored at ''other federally-owned sites, closed military bases, and non-federal fuel storage facilities.'' The Report calls for DOE to prepare a plan for centralized interim storage within 120 days of enactment of the bill, and states its belief that DOE ''already has authority for these actions under the Atomic Energy Act of 1954, as amended.''

So, if you just had a military base in your district closed by the BRAC, you might be a candidate to get a nuclear waste dump. Talk about adding insult to injury. Reprocessing sites will become defacto nuclear waste dumps. The spent nuclear fuel cannot even be handled to be reprocessed for 5 to 15 years—it is so radioactive. And what will happen to all this waste when the hard reality of the disastrous economics combined with the fact that our government deep in deficit cannot afford to subsidize this anymore?

Reprocessing is not safe. Twenty tons of highly radioactive material leaked from a broken pipe at a Sellafield nuclear reprocessing plant in the United Kingdom in April of this year. The affected area of the Sellafield plant will remain closed for months as officials devise a way of cleaning up the mess. Special robots may have to be built to clean up the waste as the area is too radioactive for people to enter.

Senior officials at the UK's Nuclear Decommissioning Authority, which owns the Sellafield reprocessing are pushing to close the plant altogether, arguing that it is more cost-effective to close the plant now rather than repair the problems only to decommission the plant as planned in 2012.

The MIT Study said this about safety:

> We are concerned about the safety of reprocessing plants, because of the large radioactive material inventories, and because the record of accidents, such as waste tank explosion at Chelyabinsk in the FSU [Russia], the Hanford waste tank leakages in the United States and the discharges to the environment at the Sellafield plant in the United Kingdom.

The $15.5 million appropriated for reprocessing and interim storage would be better spent on energy efficiency priorities. Under the Markey-Holt amendment, the $15.5 million added to the bill by the Committee for reprocessing and interim storage of nuclear waste would be transferred over to three under-funded domestic energy supply priority programs, as follows:

$8.5 million would be added for Industrial Technologies (which was cut by $16.5 million from current levels). Despite the fact that manufacturing makes up 35 percent of the nation's energy use, this bill would cut the industrial energy efficiency program to help manufacturers deal with high energy costs and develop

innovative technologies from $93 million in FY 2004 to $76 million in FY 2005, and now the House proposes $58 million in FY 2006. We are heading in the wrong direction. We are trying to maintain manufacturing jobs. We need to cut energy use and improve technology, since we can't cut wages to equate to China and India. This is a national security issue. Do we want to vacate the field in the key areas of steel, plastics, aluminum, chemicals, forest products, glass and metal casting? We need domestic production and this program helps make our domestic industries more energy efficient.

$3.5 million would be added for State Energy Program Grants (which was cut $3.8 million from current levels). A recent study by Oak Ridge National Laboratories concluded that for every federal dollar in the State Energy Program: (1) $7.22 in annual energy cost savings are produced; (2) $11.29 in leveraged funds are provided from the states and private sector in 18 different project areas; (3) over $333 million is saved through annual cost savings (the appropriation is only $44 million in FY 2005); (4) 48 million source BTUs are saved—or 8 million barrels of oil; (5) 826,049 metric tons of carbon are saved; (6) 135.8 metric tons of volatile organic compounds are reduced; (7) 6,211 metric tons of NO_X are reduced; and (8) 8,491 metric tons of SO_X are reduced.

$3.5 million would be added for the Distributed Energy and Electricity Reliability Program (which was cut by $4.8 million from current levels). This program is aimed at developing the ''next generation'' of clean, efficient, reliable, and affordable distributed energy technologies that make use of combined heat and power systems. The Department of Energy has established a goal of increasing installed combined heat and power systems from 66 Gigawatts in 2000 to 92 Gigawatts by 2010. As of 2004, this program is well on track, with 81 Gigawatts of installed power. However, much of the remaining potential for CHP systems is in small scale systems that are below 20 megawatts and employ micro-turbines, fuel cells and other technologies. This program needs full funding to continue delivering the benefits of increased reliability, security, efficiency and lower emissions to the U.S. economy.

Let me reiterate that my transfer amendment would still leave both reprocessing and nuclear waste disposal fully-funded at the levels requested in the President's budget, but would only reallocate money added by the Appropriations Committee. In addition, the Congressional Budget Office informs me that ''This amendment has no effect on budget authority and would reduce outlays by $1 million for FY 2006.''

Under the Markey-Holt amendment, we transfer these funds to energy efficiency programs that will provide our nation with a much better value for the dollar than the incremental investment in a nuclear reprocessing technology that is expensive, that poses serious nuclear nonproliferation risks, and which threatens to create new nuclear waste dumps at sites around the country.

I urge you to vote ''yes'' on the Markey-Holt-Inslee amendment.

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

I think I need to respond to a couple of comments that were made. First of all, we did not say to put anything in the interim; we said it is a site that should be looked at with all of the other sites. Second of all, this has nothing to do with nuclear weapons, and I might suggest that if you look around the world, about the only place in the world who has nuclear power that is not reprocessing is us. Everybody else, the French, the Japanese, they are building a plant; the Brits have a plant. Everybody else in the world has stepped up and said, we are going to take care of this waste; we are not going to just bury it in the ground, and we are going to keep using it over and over again.

I think it is time for us to look at this policy and change this old, old policy, especially if we have new technology that does not leave us with the type of nuclear weapons-grade plutonium left over, and that is what we believe we are developing.

So I think this is a responsible part of the bill and we should move forward and vote the amendment down.

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

Mr. HOBSON. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, the only question I have, is the chairman saying that this report language has the force of law? It is advisory only; is that not correct?

Mr. HOBSON. That is correct.

Ms. BERKLEY. Mr. Chairman, I rise in support of Mr. MARKEY's amendment.

As a Member from Nevada, I am vehemently opposed to the Yucca Mountain Project for numerous reasons. The transportation of thousands of tons of nuclear waste, which will pass within miles of our homes, schools and hospitals, is one of the primary reasons I object to this plan. Nuclear waste transportation, whether destined for Yucca Mountain or an interim site, is an invitation to terrorists looking to wreak havoc and cause devastation in the United States.

The Chairman of the Subcommittee has made clear that interim storage will not divert him from avidly pursuing completion of the Yucca Mountain Repository.

With my ''yes'' vote, I am standing firmly against transporting nuclear waste through our communities and against interim storage in Nevada or anywhere else. The only workable solution we have at this time is to leave the waste on-site where it will be safe for the next 100 years.

Mr. HOLT. Mr. Chairman, I am pleased to join with my colleagues, Representatives EDWARD MARKEY and JAY INSLEE, in offering an amendment to H.R. 2419. Our amendment eliminates funding for the new Spent Fuel Recycling Initiative, and redirects this $15.5 million to energy research.

The legislation we are debating today directs the Department of Energy to conduct a new Spent Fuel Recycling Initiative, putting the United States on the path to reprocessing of spent nuclear reactor fuel. This new Initiative was not included in the President's budget request, and is over and above the existing research program on nuclear fuel reprocessing. It is a radical measure that moves the United States from research to actually undertaking nuclear fuel reprocessing. The Initiative has two linked elements: moving existing spent nuclear fuel away from commercial reactor sites to centralized interim storage, and initiating a reprocessing program for this fuel.

Reprocessing creates a plutonium-based of fuel for nuclear reactors that is easier to use in nuclear weapons. The United States is currently working to prevent other countries from reprocessing nuclear fuel, because a country that is reprocessing nuclear fuel can easily divert this material to make nuclear weapons.

Reprocessing spent nuclear fuel would be a major departure for U.S. nuclear policy, and could set back our efforts to stop nuclear proliferation around the world. If the U.S. Congress votes to initiate a reprocessing program, U.S. nuclear proliferation policy will be directly contradicted.

Such a step must not be taken lightly, with no hearings, no authorizing legislation, no public input, no analysis of the implications for nuclear proliferation, not even an analysis of the cost to taxpayers. We must not proceed with such a major step without all members having sufficient time and information to consider what they are voting for.

The Markey-Holt-Inslee amendment leaves intact the President's request to increase to $70 million the Advanced Fuel Cycle Initiative, which includes research on nuclear fuel reprocessing technologies. Our amendment removes the new, additional $15.5 million Initiative to consolidate and reprocess spent fuel.

The Markey-Holt-Inslee amendment redirects the $15.5 million to three important and successful energy research programs, all of which have less funding in H.R. 2419 compared to fiscal year 2005 appropriations:

$8.5 million to the Industrial Technologies Program, which shares the cost of research with industry to make U.S. industry more energy efficient;

$3.5 million to the Distributed Energy and Electricity Reliability Program, which funds research and development for smarter, more flexible, and more efficient electricity generation through the development of distributed energy generation and combined heat and power technologies; and

$3.5 million for State Energy Program grants, a program that for every federal dollar has produced over $7 of annual energy savings.

Mr. PORTER. Mr. Chairman, I rise today to oppose the Markey Amendment to H.R. 2419, Energy and Water Development and Related Agencies Appropriations Act for Fiscal Year 2006. This amendment would cut $5.5 million from nuclear reprocessing and $10 million from nuclear waste disposal to facilitate interim storage of nuclear waste. Mr. Chairman, the Federal Workforce and Agency Organization Subcommittee of which I chair is currently investigating the alleged falsification of documents and computer models at the Yucca Mountain site.

What my investigation has uncovered so far is deeply disturbing and could very well lead to compromising the validity of the entire site. If that is the case, then interim storage will be necessary. As opposed to waiting for that date, it is important that we act proactively and begin the process to identify these interim sites across the United States.

While I find it troubling that the Committee has decided to appropriate over $600 million for Yucca Mountain, I am encouraged that

they have recognized the need for legislative language citing the need for interim storage for the reasons that my Subcommittee has already uncovered.

I may also take a moment, Mr. Chairman, to publicly acknowledge my opposition to Yucca Mountain and my support for any site, interim or permanent, outside of my district and the State of Nevada.

Mr. HOBSON. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

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

Mr. MARKEY. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses not to exceed $35,000, $253,909,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total $123,000,000 in fiscal year 2006 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 2006, and any related unappropriated receipt account balances remaining from prior years' miscellaneous revenues, so as to result in a final fiscal year 2006 appropriation from the general fund estimated at not more than $130,909,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $43,000,000, to remain available until expended.

Mr. HOBSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from South Carolina (Mr. SPRATT) for the purpose of a colloquy.

Mr. SPRATT. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I have at the desk an amendment, a proposed amendment that I intended to offer, but that I will not offer as a result of the ensuing colloquy.

Mr. Chairman, I have filed an amendment for myself and the gentleman from South Carolina (Mr. BARRETT) that states that none of the funds made available in this act may be used in contravention of the Nuclear Waste Policy Act of 1982. The committee report directs the Secretary to begin accepting commercial spent fuel for interim storage at one or more DOE sites within fiscal year 2006. The gentleman from South Carolina (Mr. BARRETT) and I are concerned that the interim storage facilities called for in the report could divert funds from a nuclear waste fund and further impede completion of the repository at Yucca Mountain.

Mr. HOBSON. Mr. Chairman, reclaiming my time, I intend for Yucca Mountain to be fully funded, and our bill does just that. As a matter of fact, I have gone head to head with the Senate since I have been the chairman of this subcommittee to ensure that the nuclear waste disposal program receives as close to the budget request as possible.

The gentleman is absolutely right that the ratepayers are not getting what they paid for because DOE has not fulfilled its statutory and contractual obligation to accept spent fuel for disposal. I have ratepayers in my own State who also have not received value for what they have paid into the Nuclear Waste Fund.

We are not intending, and I want to be very pointed about this, we are not intending to divert or diminish attention to Yucca Mountain.

Mr. SPRATT. Mr. Chairman, if the gentleman will further yield, can DOE conduct such interim storage consistent with the Nuclear Waste Policy Act? What force does the committee report have when it comes to modifying existing law?

Mr. HOBSON. Mr. Chairman, we provided our guidance only in report language and direct the Secretary to provide Congress with legislative language if he determines that changes to the authorizing statutes are necessary.

Mr. SPRATT. Mr. Chairman, I thank the gentleman for the clarification and the explanation.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of not to exceed 40 passenger motor vehicles, for replacement only, including not to exceed two buses; $6,181,121,000, to remain available until expended.

Mr. HOBSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from Ohio (Mr. MACK) for the purposes of a colloquy.

Mr. MACK. Mr. Chairman, I rise today to engage the esteemed chairman in a colloquy concerning language and funding for Florida's red tide research problem.

Mr. Chairman, earlier this year, my district in southwest Florida experienced a harmful red tide outburst off the coast which caused harmful effects that were felt by people, animals, and the environment that make up our precious ecosystem and economy.

Hundreds of people endured respiratory ills, including sneezing, coughing, and other effects that are damaging to one's health. Moreover, the Florida manatee, an endangered species that everyone seeks to protect from far less harmful events, saw a gigantic spike in their death rate. This year, in the entire State of Florida, we have seen 29 manatees die due to boating accidents. However, from this red tide bloom, which only lasted a couple of months and was confined only to southwest Florida, we have a confirmed count of 46 manatee deaths.

What is more, thousands of people, some from this very room, come to southwest Florida each year to vacation on our beaches and to swim in our waters.

□ 1900

This scourge of red tide not only has a hazardous environmental effect, but also drives away tourists who undoubtedly do not want to spend their time coping with the effects of the red tide.

Thankfully, with the leadership of the gentleman from Ohio, the Energy and Water Subcommittee of the Committee on Appropriations saw fit to include funding for red tide research in last year's appropriations bill. Unfortunately, the lion's share of that money never made it down to the numerous research organizations that conduct expert analysis and tests on ways to help mitigate the effects of this damaging event in nature.

Mr. HOBSON. Mr. Chairman, I want to thank the gentleman for coming forth with this. I understand that red tide blooms are harmful, and a scientific approach, we need to learn more about these ocean events that are an appropriate use of research and development funds. In fact, I was personally involved last Congress in securing the funding that we talked about so we can learn ways to fight red tide.

Funds in excess of the budget requests have been provided for worthy research and development activity such as this. And I would hope, since I my grandchildren are residents of Florida, I hope we can get on and get rid of red tide one of these days, and especially as I get older. It affects older

people and I visit there, so I want to get rid of it too.

Mr. MACK. Mr. Chairman, I thank the gentleman very much for his remarks and his leadership in this notable cause.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. Is the gentleman the designee of the ranking member?

Mr. VISCLOSKY. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. VISCLOSKY. Mr. Chairman, I yield to the gentleman from Maryland (Mr. RUPPERSBERGER) for purposes of colloquy with the Chair.

Mr. RUPPERSBERGER. Mr. Chairman, I applaud this bill for maintaining the research funding for the Corps of Engineers' aquatic herbicide treatment of invasive weed species that have such impacts on our lakes and rivers, impairing agriculture, recreation and transportation. I believe that the Corps and the Tennessee Valley Authority, in considering methods of aquatic weed eradication, should give preference to EPA-registered and -approved safe chemical treatment options, including reduced-risk pesticides as designated in the Food Quality Protection Act.

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

Mr. VISCLOSKY. I yield to the gentleman from Ohio.

Mr. HOBSON. Mr. Chairman, I agree that the development of safe chemical treatment options may provide the Corps and the Tennessee Valley Authority with alternatives to many of the conventional methods of control that often have unintended consequences.

Mr. RUPPERSBERGER. Mr. Chairman, I believe that having a range of treatment options from which to choose and doing so in the most environmentally sensitive way is desirable

Mr. HOBSON. I agree.

Mr. RUPPERSBERGER. I thank the gentleman.

Mr. HOBSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Chairman, I thank the gentleman for yielding. I intended to offer a couple of amendments tonight before the unanimous consent request was entered into.

I have complained for a long time around here that we are funding too many earmarks, the Republicans and Democrats. In this bill there are a couple hundred million worth of earmarks, Member projects that Members, we always complain that the President does not have line item veto authority. I would be satisfied if Congress had it.

Under an open rule, I cannot come to the floor and target individual earmarks because they are in the committee report. For the first time in this bill we have actually referenced a committee report and instructed Federal agencies to spend the money, yet individual Members cannot go in and strike earmarks from the bill. That is simply wrong. We are going the exact opposite direction of where we ought to go.

Members projects ought to be put into the bill. If we are proud enough to request money, you know, $500,000 for the St. Croix River in Wisconsin to relocate endangered mussels, then we ought to be proud enough to come to the floor and defend that earmark; otherwise, we are not good stewards of the taxpayers' money.

So I would just rise to say we need to change this process. We are going in the wrong direction. Either we are going to instruct the Federal agencies to spend it and come to the floor and defend it, or we are not. We cannot have it both ways.

And I would yield back to the chairman to ask which direction we are going here.

Mr. HOBSON. Reclaiming my time, Mr. Chairman, let me suggest a couple of things to the gentleman if I might.

First of all, if you look at this bill, for the first time in the last couple of years there have been no new starts in this bill going out of the House. And I have limited the number. Even when we have gotten done with the bill, I think we only did five new starts last year.

We are trying to get control of this. We have even looked at, sometimes the administration has had new starts and we have taken them out. We have tried to limit the number of earmarks. The number of earmarks for Members' projects this year is down substantially over past years. Frankly, the administration did a better job this year of addressing some of the concerns of Members and of the overall program.

I think the gentleman would also be pleased to note that in this bill, for the first time, we are requiring a 5-year development plan for the Corps of Engineers, for example, and the Department of Energy. In that process, when we get that, similar to what we did in the military construction when I chaired that committee, we will, over a period of time, begin to get control of the situation, so that if they do not fit within the 5-year plan, then these projects are not going to be in there.

But we do not have that plan in place today. We are trying to make it in place. And I think it is going to make for better, more responsible use of taxpayers' dollars.

Mr. FLAKE. Mr. Chairman, I thank the gentleman. I think that the best way is to include it in the bill. If we are proud enough of our earmark, then we ought to come in and defend it on the House floor. Otherwise, we cannot simply refer and force the Federal agencies to spend the money without giving individual Members the opportunity to challenge an earmark on the floor of the House.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word.

I yield to the gentleman from New Mexico (Mr. UDALL).

Mr. UDALL of New Mexico. Mr. Chairman, I rise today to speak about a matter of great concern to me and many of my constituents.

The Los Alamos National Laboratory in my district, and is one of the largest employers in the State. Two years ago the Secretary of Energy determined that after more than 60 years of management by the University of California, the contract for the management and operations of Los Alamos National Laboratory would be open to competition.

We are all aware that there have been problems concerning the security of classified materials handled at the lab and questions about safety practices. It is important to note, however, that statistically the incidences of injury and illness at Los Alamos are well within the range of comparable DOE facilities and major chemical and manufacturing industrial complexes.

Still, I have consistently supported the competition in the hopes that the best management team wins so that the scientists and employees at Los Alamos can continue to contribute to our national security and conduct world-class, strategic science.

Last Thursday, the National Nuclear Security Administration released the final request for proposals, or RFP, for the management and operating contract of the Los Alamos National Laboratory. In December, the NNSA released a draft of this RFP. What concerns me is that these documents were substantially different in two very fundamental ways.

First, the draft RFP did not indicate a requirement for the establishment of a separate, dedicated corporate entity. The final RFP does, but this requirement was not included in the draft RFP. The public was never given the opportunity to comment on it.

While that structure may have emerged from the competition as the best design for the management of LANL, we will never know. By mandating a specific corporate structure from the outset, the NNSA has eliminated the proposition of an entirely different and perhaps more creative and effective management structure. That appears, to me, to severely constrain rather than promote true competition.

Secondly, the NNSA has taken the surprising step of dictating that the new management entity must establish a stand-alone pension plan, one that would serve the employees of Los Alamos only. Again, that requirement was not included in the draft RFP, so the public never had the opportunity to comment on it. The potential changes to the pension plan, under a change of management, have been of utmost concern for the vast majority of lab employees who have contacted me concerning the competition.

Currently, the employees of Los Alamos benefit greatly from being included in the University of California retirement plan, which covers more

than 170,000 employees. The major organizations that have expressed the intent to bid for the Los Alamos contract already employ in excess of 100,000 people. Obviously, a pension plan designed to cover that many employees generates significant leveraging power.

The Los Alamos National Laboratory alone currently employs only 8,000 people directly. There is no way that a stand-alone pension plan designed to serve only 8,000 employees could offer benefits as great as the one that serves 5, 10, or in the case of the University of California retirement plan, 17 times that many. Should not the decision for how to best manage a financial matter as significant as that of a pension plan be left to the discretion of the new managing entity?

Furthermore, approximately 60 days ago, the NNSA completed the competition for the management of Lawrence Berkeley National Laboratory. The University of California, which has managed Lawrence Berkeley for 74 years, was awarded the contract. As such, Lawrence Berkeley will continue to be managed as a nonprofit entity and its 3,800 employees will continue to be included in the generous pension plan offered by the University of California.

The design of the final RFP for the management of Los Alamos National Laboratory ensures that a noncorporate management structure cannot even be considered in the competition. That is the type of management structure that has very successfully served Lawrence Berkeley for 74 years and Los Alamos for 62 years, and it is not even on the table.

In conclusion, while I strongly support this competition, I do not see how it is in the best interest of this country that a competition for the management and operation of a national security complex as important as Los Alamos has been so greatly narrowed.

And I thank the gentleman for yielding.

The CHAIRMAN. The Clerk will read.

Mr. HOBSON. Mr. Chairman, I ask unanimous consent that the remainder of title III be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The text of the remainder of title III is as follows:

DEFENSE NUCLEAR NONPROLIFERATION

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense, defense nuclear nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $1,500,959,000, to remain available until expended.

NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, $799,500,000, to remain available until expended.

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Office of the Administrator in the National Nuclear Security Administration, including official reception and representation expenses not to exceed $12,000, $366,869,000, to remain available until expended.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $6,468,336,000, to remain available until expended.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses, necessary for atomic energy defense, other defense activities, and classified activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed ten passenger motor vehicles for replacement only, including not to exceed two buses; $702,498,000, to remain available until expended.

DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $351,447,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for official reception and representation expenses in an amount not to exceed $1,500. During fiscal year 2006, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of electric power and energy, including transmission wheeling and ancillary services pursuant to section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $5,600,000, to remain available until expended: *Provided*, That, notwithstanding 31 U.S.C. 3302, up to $32,713,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 in carrying out section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power administration, $31,401,000, to remain available until expended: *Provided*, That, notwithstanding 31 U.S.C. 3302, up to $1,235,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $1,500; $226,992,000, to remain available until expended, of which $222,830,000 shall be derived from the Department of the Interior Reclamation Fund: *Provided*, That of the amount herein appropriated, $6,000,000 shall be available until expended on a nonreimbursable basis to the Western Area Power Administration for Topock-Davis-Mead Transmission Line Upgrades: *Provided further*, That notwithstanding the provision of 31 U.S.C. 3302, up to $148,500,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $2,692,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 423 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses not to exceed $3,000, $220,400,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, not to exceed $220,400,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2006 shall be retained and used for necessary expenses in this account, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as revenues are received during fiscal year 2006 so as to result in a final fiscal year 2006 appropriation from the general fund estimated at not more than $0.

GENERAL PROVISIONS

DEPARTMENT OF ENERGY

SEC. 301. (a)(1) None of the funds in this or any other appropriations Act for fiscal year 2006 or any previous fiscal year may be used to make payments for a noncompetitive management and operating contract unless the Secretary of Energy has published in the Federal Register and submitted to the Committees on Appropriations of the House of Representatives and the Senate a written notification, with respect to each such contract, of the Secretary's decision to use competitive procedures for the award of the contract, or to not renew the contract, when the term of the contract expires.

(2) Paragraph (1) does not apply to an extension for up to 2 years of a noncompetitive management and operating contract, if the extension is for purposes of allowing time to award competitively a new contract, to provide continuity of service between contracts, or to complete a contract that will not be renewed.

(b) In this section:

(1) The term ''noncompetitive management and operating contract'' means a contract that was awarded more than 50 years ago without competition for the management and operation of Ames Laboratory, Argonne National Laboratory, Lawrence Berkeley National Laboratory, Lawrence Livermore National Laboratory, and Los Alamos National Laboratory.

(2) The term ''competitive procedures'' has the meaning provided in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403) and includes procedures described in section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) other than a procedure that solicits a proposal from only one source.

(c) For all management and operating contracts other than those listed in subsection (b)(1), none of the funds appropriated by this Act may be used to award a management and operating contract, or award a significant extension or expansion to an existing management and operating contract, unless such contract is awarded using competitive procedures or the Secretary of Energy grants, on a case-by-case basis, a waiver to allow for such a deviation. The Secretary may not delegate the authority to grant such a waiver. At least 60 days before a contract award for which the Secretary intends to grant such a waiver, the Secretary shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report notifying the Committees of the waiver and setting forth, in specificity, the substantive reasons why the Secretary believes the requirement for competition should be waived for this particular award.

SEC. 302. None of the funds appropriated by this Act may be used to—

(1) develop or implement a workforce restructuring plan that covers employees of the Department of Energy; or

(2) provide enhanced severance payments or other benefits for employees of the Department of Energy, under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 42 U.S.C. 7274h).

SEC. 303. None of the funds appropriated by this Act may be used to augment the funds made available for obligation by this Act for severance payments and other benefits and community assistance grants under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 42 U.S.C. 7274h) unless the Department of Energy submits a reprogramming request to the appropriate congressional committees.

SEC. 304. None of the funds appropriated by this Act may be used to prepare or initiate Requests For Proposals (RFPs) for a program if the program has not been funded by Congress.

(TRANSFERS OF UNEXPENDED BALANCES)

SEC. 305. The unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this title. Balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 306. None of the funds in this or any other Act for the Administrator of the Bonneville Power Administration may be used to enter into any agreement to perform energy efficiency services outside the legally defined Bonneville service territory, with the exception of services provided internationally, including services provided on a reimbursable basis, unless the Administrator certifies in advance that such services are not available from private sector businesses.

SEC. 307. When the Department of Energy makes a user facility available to universities or other potential users, or seeks input from universities or other potential users regarding significant characteristics or equipment in a user facility or a proposed user facility, the Department shall ensure broad public notice of such availability or such need for input to universities and other potential users. When the Department of Energy considers the participation of a university or other potential user as a formal partner in the establishment or operation of a user facility, the Department shall employ full and open competition in selecting such a partner. For purposes of this section, the term ''user facility'' includes, but is not limited to: (1) a user facility as described in section 2203(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 13503(a)(2)); (2) a National Nuclear Security Administration Defense Programs Technology Deployment Center/User Facility; and (3) any other Departmental facility designated by the Department as a user facility.

SEC. 308. The Administrator of the National Nuclear Security Administration may authorize the manager of a covered nuclear weapons research, development, testing or production facility to engage in research, development, and demonstration activities with respect to the engineering and manufacturing capabilities at such facility in order to maintain and enhance such capabilities at such facility: *Provided*, That of the amount allocated to a covered nuclear weapons facility each fiscal year from amounts available to the Department of Energy for such fiscal year for national security programs, not more than an amount equal to 2 percent of such amount may be used for these activities: *Provided further*, That for purposes of this section, the term ''covered nuclear weapons facility'' means the following:

(1) the Kansas City Plant, Kansas City, Missouri;

(2) the Y–12 Plant, Oak Ridge, Tennessee;

(3) the Pantex Plant, Amarillo, Texas;

(4) the Savannah River Plant, South Carolina; *and*

(5) the Nevada Test Site.

SEC. 309. Funds appropriated by this or any other Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2006 until the enactment of the Intelligence Authorization Act for fiscal year 2006.

SEC. 310. None of the funds made available in this Act may be used to select a site for the Modern Pit Facility during fiscal year 2006.

SEC. 311. None of the funds made available in title III of this Act shall be for the Department of Energy national laboratories and production plants for Laboratory Directed Research and Development (LDRD), Plant Directed Research and Development (PDRD), and Site Directed Research and Development (SDRD) activities in excess of $250,000,000.

SEC. 312. None of the funds made available in title III of this Act shall be for Department of Energy Laboratory Directed Research and Development (LDRD), Plant Directed Research and Development (PDRD), and Site Directed Research and Development (SDRD) activities for project costs incurred as Indirect Costs by Major Facility Operating Contractors.

SEC. 313. None of the funds made available in title III of this Act may be used to finance laboratory directed research and development activities at Department of Energy laboratories on behalf of other Federal agencies.

SEC. 314. None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The CHAIRMAN. Are there any amendments to that portion of the bill?

AMENDMENT OFFERED BY MRS. BIGGERT

Mrs. BIGGERT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. BIGGERT:

Page 40, line 20, through 41, line 9, strike sections 311 and 312.

The CHAIRMAN. Pursuant to the order of the House today, the gentlewoman from Illinois (Mrs. BIGGERT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Illinois (Mrs. BIGGERT.)

(Mrs. BIGGERT asked and was given permission to revise and extend her remarks.)

Mrs. BIGGERT. Mr. Chairman I yield myself such time as I may consume.

This amendment would strike from the bill two provisions that would limit the amount of money available for a very important activity at our national laboratories, laboratory-directed research and development, or LDRD, as it is known.

I first want to thank the distinguished chairman of the Energy and Water Subcommittee for his willingness to work with me on this issue. While I have agreed to withdraw the amendment if the chairman agrees to work with me in the future on refining the execution of the LDRD efforts, I want to take this opportunity to address the merits of LDRD.

As the Chair of the Science Subcommittee on Energy, I am a strong supporter of LDRD. In my experience, LDRD has been well managed, is important for both scientific discovery and scientific recruiting, and has a record of producing interesting and innovative ideas.

The history of science abounds with examples of discoveries that came about while a scientist was attempting to answer a totally different question. LDRD provides funds to laboratory directors to pursue new ideas and give scientists the resources to go where the discoveries lead them.

So what are some of these new ideas that have emerged from LDRD work? Well, what has LDRD done for us? To cite just two examples, LDRD projects led to a discovery that allows geologists to model ore deposits in three dimensions. This model is now also being used to assess and plan the remediation of chemical and radioactive waste at DOD sites.

One LDRD project set out to reduce the size of a device that produces concentrated neutron beams for use in the biological and material science. After 9/11, scientists realized such a compact neutron source might be the only practical means of probing large freight containers for highly dangerous nuclear material and other contraband.

These examples show that in DOE's core missions in energy, in security and in science, LDRD is making important contributions.

In short, LDRD projects represent cutting-edge science, are well managed, are essential to recruiting, and perhaps most importantly, produce results for the American people. It is for these reasons, Mr. Chairman, that I am concerned about efforts to overly constrain LDRD at the Nation's scientific laboratories.

Will the chairman engage me in a brief colloquy?

Mr. HOBSON. Mr. Chairman, will the gentlewoman yield?

Mrs. BIGGERT. I yield to the gentleman from Ohio.

Mr. HOBSON. I would be happy to.

Mrs. BIGGERT. Mr. Chairman, will you pledge to work with me to improve and refine these programs in a way that preserves the valuable contributions that LDRD makes to the science in this country?

Mr. HOBSON. I appreciate the concerns that you have expressed and, frankly, it would be my pleasure to work with you going forward to perfect these provisions as we move into conference.

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Mrs. BIGGERT. I thank the chairman and I look forward to working with the chairman. I thank him for his cooperation.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, for necessary expenses for the Federal Co-Chairman and the alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, $38,500,000, to remain available until expended.

Mr. HOBSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from Kentucky (Mr. DAVIS) for purposes of a colloquy.

Mr. DAVIS of Kentucky. Mr. Chairman, I rise today to address the inadequacy of funds appropriated for the construction and repair of our lock and dam system.

First, I would like to commend the chairman and the ranking member for their work on the fiscal year 2006 Energy and Water Appropriations bill. Their efficient and bipartisan work is commendable.

This bill is a significant step in the right direction. However, the funding levels to maintain our working waterways remain insufficient. Freight transportation on our Nation's waterways is essential to the health of our economy. In 2003 the total waterborne commerce in the United States accounted for more than 2.3 trillion short tons. This system is the fundamental backbone of our energy industry and waterways carry 20 percent of America's coal, enough to produce 10 percent of all electricity used in the United States annually.

Almost one-third of the total tonnage transported over water is petroleum and petro-chemical products.

A functioning waterway network is also essential to our farmers. Sixty percent of all U.S. grain exports travel our inland waterways, and their ability to use our waterways is an essential component for the price competitiveness for our farmers in the international market.

The waterway transportation industry is a cost-effective and environmentally friendly component of our inter-modal freight system. A single towboat can move the same amount of cargo as 180 rail cars or 1,440 trucks. One does not require an environmental science degree to understand the pollution impact benefit of numbers like that.

The lock and dam systems are the keys to the viability of our waterway network. The infrastructure on the Ohio and Mississippi rivers is well beyond its design life. This network is hindered by deterioration, unreliability, and inefficiency. Waterway transportation is paralyzed when locks fail or are closed.

Repeated congressional neglect of sufficient funding levels in the operations and maintenance, general investigations and construction accounts has resulted in exponential increases in unscheduled lock closures. Since 1991 we have experienced a 110 percent increase in closure hours. The closure of a single lock creates a ripple effect that affects the entire system. Over the last 2 years, closures on the Ohio River have cost the Nation's economy incalculable millions of dollars.

Last year the Corps of Engineers was forced to close the McAlpine Lock and Dam. During that 2-week period, traffic on the Ohio River was effectively halted. The closure was announced roughly 2 months ahead of time. In anticipation of the closure, a West Virginia aluminum company whose supply was dependent on the river network began laying-off employees.

The most recent closure of the Greenup Lock and Dam cost waterways operators $12 million in lost business. Utility companies incurred $15 million in costs to make last-minute alternate arrangements to keep power plants online. I assure my colleagues that the closure cost our economy significantly more than $27 million.

I am pleased that this appropriations bill provides full and efficient funding for the McAlpine Lock and Dam project in fiscal year 2006. The fiscal year 2005 Energy and Water Appropriations bill does not include any funding for the Greenup Lock and Dam. The Water Resources Development Act of 2000 authorized the Greenup Lock and Dam project. The Greenup Lock and Dam is approaching the same level of disrepair I described with respect to the McAlpine Lock and Dam.

73.7 million tons of commerce worth almost $9.6 billion transited the Greenup Lock in 2001. Sixty-two percent of that tonnage was coal. By 2010, the annual tonnage is expected to exceed 91 million tons.

The 2000 Interim Feasibility Report recommended that the Greenup Lock and Dam project be complete by 2008. Because this appropriations bill does not include any funds for the Greenup Lock and Dam, no work will be accomplished on that project for an entire year. Every year of insufficient funding results in increased risk of closures and makes the entire project more expensive.

Mr. HOBSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentlewoman from Illinois (Mrs. BIGGERT) for purposes of a colloquy.

Mrs. BIGGERT. Mr. Chairman, would the distinguished chairman of the Subcommittee on Energy and Water Development of the Committee on Appropriations engage in a colloquy with me about some provisions and programs in this bill that fall under the jurisdiction of the Committee on Science?

Mr. HOBSON. Yes.

Mrs. BIGGERT. Under the bill, the Nuclear Energy Research Initiative, or NERI, would no longer operate as a separate program. NERI was targeted at university research which is a vital source of innovative ideas on nuclear energy. Is it the gentleman's intention that the Department of Energy continue to fund university research on nuclear energy even though NERI will no longer exist?

Mr. HOBSON. I share the gentlewoman's views on the importance of university research. The committee expects the Nuclear Energy Research Programs to set aside a portion of their funds for university research. The committee will be monitoring the programs, as I am sure you will also, to be sure that the funding is continuing in support of the university research.

Mrs. BIGGERT. I thank the gentleman.

Lastly, I would like the gentleman to clarify some language related to the FutureGen project on page 20 of the bill. The language states that the Department should manage FutureGen ''without regard to the terms and conditions applicable to clean coal technology projects.''

My understanding is that the phrase is intended only to apply to cost-sharing requirements. In fact, the phrase is unnecessary because the cost-sharing requirements for FutureGen are spelled out in the two provisos that immediately follow on page 20. Is my understanding correct?

Mr. HOBSON. The gentlewoman is correct. Our intention is to waive only the cost-sharing requirements for clean coal technological projects for FutureGen, and the cost-sharing requirements that are intended to operate instead are also on page 20.

Mrs. BIGGERT. I thank the gentleman, and I thank him for his time.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Chairman, earlier I entered into a colloquy with the chairman, and he was good enough to clarify for me some parts of this committee report that are important to me. I would like to further build a context on which my concerns were built.

In this committee report accompanying the bill, there is directive language at pages 122 and 123 and 124 that can be taken to amend the explicit terms of existing laws. And the laws at issue, which the report language could be construed to change, of the Nuclear Waste Policy Act and possibly even the National Environmental Policy Act, both carefully wrought, are both vitally important. I do not think it is the intention of the committee report to change the laws because I do not think it can but nevertheless it makes some strong recommendations.

The committee report laments the latest delays at Yucca Mountain. The start-up date has slipped again, this time from 2010 to 2012. The committee, to its credit, with the chairman's strong support, funds Yucca Mountain at the requested levels, I think we should, $651 million for fiscal year 2006; and I commend you for that and finds this sufficient to do the engineering work, continue the license application, continue the design work.

I have an interest in this because I represent four nuclear reactors, and I live in an area where nuclear generation accounts for 50 percent of our electricity. My constituents pay one mil per kilowatt per hour to fund a permanent waste facility, and they and the others who pay this assessment deserve to have their money spent well and used solely for that purpose, a spent fuel repository. The chairman has assured me wholeheartedly that he wants to see, too, that that end is accomplished.

But Yucca Mountain in the words of the report ''recedes into the future.'' I am concerned if we open up new options, even expedients like interim storage, and if we use the Nuclear Waste Fund to pay for these options, then Yucca Mountain will keep on receding into the future.

This report proposes a concerted initiative. It is a bold proposal for interim storage of spent fuel and for reprocessing of spent fuel. These are ideas that have been considered in the past, but abandoned. The committee brings them back to life, provides some funding; but it is only a tiny fraction of what these facilities are going to cost. So you cannot avoid the concern that some, if not all, of this money may come from the Nuclear Waste Fund at the expense of Yucca Mountain.

I have this concern because Savannah River Site is among the specific sites singled out as a candidate for interim storage. I become more concerned when I read the report which says: ''The committee directs the Department to begin the movement of spent fuel to centralized interim storage at one or more DOE sites within fiscal year 2006.'' That is next year.

If this is taken literally, I do not see how they can possibly prepare an EIS. That is why I was saying that the report would almost override the National Environmental Policy Act. There is no way they can finish an EIS on a matter of such importance in a year.

The report recognizes that the Nuclear Waste Policy Act applies to these matters. For example, the report recognizes that the NWPA borrows an interim storage facility at the same location as the permanent repository, Yucca Mountain, and yields to that law by proposing that the storage facility be sited elsewhere.

In another place, the report calls for a plan of implementation within 120 days. Here again, it anticipates that legislative changes may be necessary to execute the plan by asking DOE to submit them.

In these respects, the committee report supports my point that explicit law cannot be amended or overridden by report language. But in pushing for an interim storage facility, the report is on the collision course with the Nuclear Waste Policy Act because it abandoned the idea of interim storage in 1990 by sunsetting the law that passed it. In its place it authorized a retrievable storage facility, but only after Yucca Mountain is licensed.

So these were my concerns. These were the reasons for asking for the colloquy and asking for the clarification. I have problems with interim storage, and I have problems with reprocessing fuel. But I support the chairman in his endeavor to see Yucca Mountain finished, and I also support the chairman in his quest to see that nuclear power is able to make a comeback, because I think it has a role in our energy future.

That is the reason I asked for clarification, to make sure that the committee was not pushing the envelope and overriding the statutory law on pages 122, 123, and 124, which struck me as more than just report boiler plate.

I appreciate the confirmation, the clarification from the committee chairman and for all of his other efforts in bringing together this bill. I thank the gentleman for yielding to me to make this clarification.

Mr. BARRETT and I have an amendment, but before I explain it, let me explain why I am offering it.

There is a longstanding rule of this House against legislating policy on an appropriation bill, but it's honored in the breach. In the case of this bill, the committee report contains directive language at pages 122, 123, and 124 that can be taken to amend the explicit terms of existing law. And the laws at issue, which the report language could be construed to change, are the Nuclear Waste Policy Act and the National Environmental Policy Act, both carefully wrought laws, and both vitally important.

The committee report laments the latest delays at Yucca Mountain. The start-up date has slipped again, this time from 2010 to 2012. The committee, to its credit, funds Yucca Mountain at the requested level, $651 million for fiscal year 2006, and finds this sufficient to do the engineering work in support of the license application and to continue the design work.

I represent 4 nuclear reactors and live in an area where nuclear generation accounts for fifty percent of our electricity. My constituents pay 1 mil per kilowatt hour to fund a permanent waste facility, and they and others who pay this assessment deserve to have their money spent well and used solely for the intended purpose: a spent fuel repository.

But Yucca Mountain, in the words of the report, ''recedes into the future.'' And I am concerned that if we open new options, even expedients like interim storage, and if we use the Nuclear Waste Fund to pay for these options, Yucca Mountain will keep on receding.

That's why I am concerned about this report. It proposes ''a concerted initiative'' (1) for interim storage of spent fuel and (2) for reprocessing spent fuel. These are ideas that have been considered in the past and discarded; but the committee report resurrects them, with a token addition of funds that is the tip of an iceberg, a tiny fraction of what these facilities will cost. One cannot avoid the concern that some, if not all, of this money will come from the Nuclear Waste Fund, at the expense of Yucca Mountain.

I have this concern because Savannah River Site is among the sites singled out as a candidate for interim storage. I become even more concerned when I read report language

which says: "The Committee directs the Department to begin the movement of spent fuel to centralized interim storage at one or more DOE sites within fiscal year 2006." If this directive is taken literally, it will override the National Environmental Policy Act, because it is doubtful that an Environmental Impact Study can be finished in a year.

The report recognizes that the Nuclear Waste Policy Act applies to these matters. For example, the report recognizes that the Nuclear Waste Policy Act bars an interim storage facility at the same location as the permanent repository, and yields to that law by proposing that the storage facility be sited elsewhere. In another place, the report calls for a plan of implementation within an incredibly short time, 120 days, and here again, the report anticipates that legislative changes will be necessary to execute the plan by asking DOE to submit them.

In these respects, the committee report makes my point, that explicit, longstanding law cannot be amended or overridden by report language. But in pushing an interim storage facility, the committee report is on a collision course with the Nuclear Waste Policy Act. It abandoned the idea of an interim storage facility in 1990 by sunsetting the law that authorized it. In its place, the NWPA authorized construction of a Monitored Retrievable Storage Facility only after the completion of the license for construction of Yucca Mountain. This means that no interim storage facility is allowed under the Nuclear Waste Policy Act for the time being, and I do not believe that report language can change the explicit provisions of an existing statute.

Our amendment simply points out that despite the report language, "None of the funds made available by this Act shall be obligated or expended in contravention of the Nuclear Waste Policy Act of 1982." So, unless the NWPA is changed, DOE cannot move forward with interim storage until Yucca Mountain is licensed.

What's wrong with interim storage?

Interim storage is risky because it puts spent fuel in facilities not constructed to hold them forever, yet there is a real risk that once in place, interim storage becomes permanent storage.

Interim storage is problematic because it could shift funds and focus off Yucca Mountain, and stretch out its completion indefinitely.

Finally, interim storage is expensive. It's expensive to put nuclear waste in interim storage, and even more expensive to take it out to move it to Yucca Mountain.

How does interim storage affect you? Under the committee's report language, anyone's district could be the next nuclear waste storage facility. If you have a DOE site, a closed military base, or any other federally owned site, your district could be a candidate to store nuclear waste.

So, pages 122, 123, and 124 of the committee report are more than the usual boilerplate. To clarify their effect, I asked the distinguished Chairman of the Energy and Water Subcommittee if he would engage in a colloquy, and he confirmed that the committee "provided our guidance only in report language;" and with that assurance, I withdrew our amendment.

AMENDMENT TO 2419, AS REPORTED OFFERED BY MR. SPRATT OF SOUTH CAROLINA

At the end of the bill, add the following new section:

SEC. 503. None of the funds made available by this Act shall be obligated or expended in contravention of the Nuclear Waste Policy Act of 1982.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100–456, section 1441, $22,032,000, to remain available until expended.

DELTA REGIONAL AUTHORITY

SALARIES AND EXPENSES

For necessary expenses of the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, as amended, notwithstanding sections 382C(b)(2), 382F(d), and 382M(b) of said Act, $6,000,000, to remain available until expended.

DENALI COMMISSION

For expenses of the Denali Commission, $2,562,000, to remain available until expended.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses (not to exceed $15,000), and purchase of promotional items for use in the recruitment of individuals for employment, $714,376,000, to remain available until expended: *Provided*, That of the amount appropriated herein, $66,717,000 shall be derived from the Nuclear Waste Fund: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at $580,643,000 in fiscal year 2006 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2006 so as to result in a final fiscal year 2006 appropriation estimated at not more than $133,732,600: *Provided further*, That section 6101 of the Omnibus Budget Reconciliation Act of 1990 is amended by inserting before the period in subsection (c)(2)(B)(v) the words "and fiscal year 2006".

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $8,316,000, to remain available until expended: *Provided*, That revenues from licensing fees, inspection services, and other services and collections estimated at $7,485,000 in fiscal year 2006 shall be retained and be available until expended, for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2006 so as to result in a final fiscal year 2006 appropriation estimated at not more than $831,000.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100–203, section 5051, $3,608,000, to be derived from the Nuclear Waste Fund, and to remain available until expended.

TITLE V

GENERAL PROVISIONS

SEC. 501. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 502. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in this Act or any other appropriation Act.

Mr. HOBSON (during the reading). Mr. Chairman, I ask unanimous consent that the bill through page 45, line 8, be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

AMENDMENT OFFERED BY MR. MARKEY

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MARKEY:

At the end of the bill, add the following new section:

SEC. 503. None of the funds made available by this Act shall be used by the Nuclear Regulatory Commission to contract with or reimburse any Nuclear Regulatory Commission licensee or the Nuclear Energy Institute with respect to matters relating to the security of production facilities or utilization facilities (within the meaning of the Atomic Energy Act of 1954).

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, I yield to the gentleman from Ohio (Mr. HOBSON).

Mr. HOBSON. If the gentleman is agreeable, we are willing to accept this amendment and move forward.

Mr. MARKEY. Mr. Chairman, I am willing to accept the gentleman's acceptance.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BOEHLERT

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BOEHLERT:

At the end of the bill, add the following new section:

SEC. 503. None of the funds made available by this Act may be used before March 1, 2006,

to enter into an agreement obligating the United States to contribute funds to ITER, the international burning plasma fusion research project in which the President announced United States participation on January 30, 2003.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New York (Mr. BOEHLERT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York (Mr. BOEHLERT).

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

Mr. Chairman, I do want to have a to-the-point and brief explanation to this amendment because its purpose is to bring to a head an important issue that might otherwise be overlooked.

The Department of Energy is moving ahead with negotiating U.S. participation in ITER, the International Fusion Energy Project, which is all to the good. I support U.S. participation in ITER, a critical experiment that will help determine finally if fusion is a realistic option for energy production. But ITER is expensive.

The U.S. contribution is expected to exceed $1 billion, and I want to make sure that before we commit even one dime to ITER, we have a consensus on how we will find that money.

The U.S. must not finalize an agreement on ITER until we have a consensus on how to pay for it. In the meantime, the site selection and planning process and negotiations on ITER can and should continue. But I will do all I can to prevent the U.S. from entering into an agreement if no one is willing to make the sacrifices necessary to pay for it.

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Moving ahead without consensus will mean either reneging on our agreement or killing other worthy programs within the Office of Science to pay the disproportionate cost of the fusion program. Let us avoid that.

I look forward to working with the gentleman from Ohio (Mr. HOBSON) and everyone concerned with this issue to build a strong and balanced fusion program.

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

Mr. BOEHLERT. I yield to the gentleman from Ohio.

Mr. HOBSON. Mr. Chairman, I share the frustration of the gentleman from New York (Mr. BOEHLERT) over how the Department has proposed to fund the International Fusion Project at the expense of domestic fusion research, and I will support the gentleman's amendment.

Mr. BOEHLERT. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BOEHLERT).

The amendment was agreed to.

AMENDMENT NO. 1 OFFERED BY MR. FILNER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. FILNER:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available in this Act may be used by the Secretary of Energy to issue, approve, or grant any permit or other authorization for the transmission of electric energy into the United States from a foreign country if all or any portion of such electric energy is generated at a power plant located within 25 miles of the United States that does not comply with all air quality requirements that would be applicable to such plant if it were located in the air quality region in the United States that is nearest to such power plant.

Mr. HOBSON. Mr. Chairman, I reserve a point of order against the gentleman's amendment.

The CHAIRMAN. The point of order is reserved.

Pursuant to the order of the House of today, the gentleman from California (Mr. FILNER) and a Member opposed each will control 5 minutes.

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

Mr. FILNER. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I understand the point of order, and I appreciate the advice he gave me yesterday, and I will just take a few minutes today to make some important points regarding our border communities.

This should be a simple and commonsense amendment to protect the air quality in border States without adding or subtracting appropriations from a single account in this bill. The amendment simply requires that power plants in northern Mexico that want to transmit electricity into the United States must meet U.S. air quality standards. Pretty simple.

Many communities in border States, including many in my district (I represent the whole California-Mexico border) are literally under siege from air and water pollution from northern Mexico. Companies that wish to avoid American environmental regulations, but want to meet our energy needs in California and other southwestern States, are building power plants in Mexico directly across the border from American communities. Yet many of these power plants do not have to meet any of the American regulations, even though they are in the same air basins as towns on the U.S. side of the border.

For example, companies that recently built power plants in Mexicali, which is right across the border from the Imperial County of California that I represent, have not funded any road paving projects and other clean air efforts that would be required to offset their pollution if they were a mere 3 miles to the north. In a place like Imperial County, which is plagued by the highest childhood asthma rates in the Nation, and limited public resources, these offset projects are needed to mitigate the public health problems that are worsened by the power plants.

While the Mexicali plants have largely brought their emissions into compliance in response to this Congress' pressure, they have refused to pay for any mitigation projects. The Department of Energy, which acknowledges that Imperial Valley is in the same geographical air basin as the power plants in Mexico, have turned their backs on the residents of Southern California and approved the permits without requiring the companies to pave the dusty dirt roads or implement other clean air projects that would offset their pollution. The Department had the information and opportunity, but apparently did not feel obligated to fully protect clean air in Imperial County.

I believe the Department should be obligated to require offsets because there are a dozen more power plants in northern Mexico on line right now. These power plants are now under no obligation to meet any U.S. standards despite sharing air basins with American communities.

My amendment does not interfere with the Mexican Government's right to regulate pollution; instead, it prohibits the Department of Energy from using funds in this bill to issue permits for the transmission of electricity into the U.S.

I urge adoption of this important clean air amendment.

Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. CUELLAR), the cosponsor of this amendment.

Mr. CUELLAR. Mr. Chairman, I thank my colleague for yielding me this time, and I appreciate that we talked yesterday with the chairman about this particular amendment, but if he would just allow us to make a particular statement. I appreciate the time the chairman gave us, and I understand his point of order.

Mr. Chairman, this amendment helps to raise the clean air standards on the border. I am from Laredo, Texas, on the border. And if you would just take the border region and make it a particular State, you would see that it is one of the fastest growing parts of the country, and it is one of the poorest parts of the whole country. If the border region was its own State, it would rank last in access to health care, second worst in death from hepatitis, last in per capita income, and first in the number of schoolchildren living in poverty.

Air quality in the border region is just as important as in any other metropolitan area in the country. This particular amendment would help boost air quality by requiring sellers of electricity from the Mexican side to protect the consumers on the American side. We expect nothing less than corporate responsibility from our friends in the domestic corporations, and we expect the same stewardship from foreign companies that have a direct impact on our communities.

We live in a world that increasingly requires us to cooperate across the border to solve problems. Trade, commerce, and economic activity do not stop at the border, and the environmental problems that sometimes accompany economic growth do not stop at the border.

In conclusion, this amendment recognizes the simple truth that the border region is a community and that air pollution affects all the region's residents, American and Mexican alike.

Mr. Chairman, I thank my colleagues for their time and just ask that the chairman consider this particular amendment.

Mr. FILNER. Mr. Chairman, I would just say that I understand the point of order, and I appreciate the gentleman's advice and I hope he will stay interested in this topic.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. JONES OF NORTH CAROLINA

Mr. JONES of North Carolina. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. JONES of North Carolina:

At the end of the bill, add the following:

SEC. ____. The amounts otherwise provided by this Act are revised by reducing the amount made available for ''DEPARTMENT OF ENERGYDEPARTMENTAL ADMINISTRATION'' and increasing the amount made available for ''CORPS OF ENGINEERS—CIVIL—OPERATION AND MAINTENANCE'', by $20,000,000.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from North Carolina (Mr. JONES) and a Member opposed each will control 5 minutes.

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

Mr. JONES of North Carolina. Mr. Chairman, I yield myself such time as I may consume, and I first would like to say to the chairman and the ranking member, thank you very much for your work on this bill and for the opportunity to offer this amendment tonight.

Mr. Chairman, I represent a coastal area of North Carolina, and many of my colleagues, both Republican and Democrat, do the same throughout the United States of America. What this amendment does is to, in my opinion, provide a small, meaningful increase to the Corps of Engineers' operation and maintenance budget of $20 million. It would be offset by taking $20 million from the administration at the Department of Energy.

Mr. Chairman, our coastal areas are in deep trouble throughout America. Not just my district, but I can tell you that the waterways are so critical to the economic importance of these counties and States in North Carolina and throughout the United States of America that we need to remember that those people who make their living off the waterways are just like every other American, they are in need of every dollar they can make.

My district says to me, Mr. Chairman, when we can find $6.5 billion, not from this bill now, I want to make that clear, but we have spent $6.5 billion in Iraq with the Corps of Engineers, and then my taxpayers say to me and to the gentleman from Indiana, why can we not get a little bit of help?

So this is a modest amendment, Mr. Chairman.

I understand the gentleman's opposition to it, but I can honestly tell you that the waterways of America are the economic engines for the coastal districts of America, and not just North Carolina. And, to me, to be able to take just $20 million and do a little bit of good is better than not having the $20 million. And I know the gentleman from Ohio and the gentleman from Indiana did try the best they could, knowing we are in a tight budget year.

Mr. Chairman, I have heard from other Members who support this amendment, and let me say the amendment is also supported by the American Shore and Beach Preservation Association and the Congressional Waterways Caucus. We believe sincerely that this modest reduction within the Department of Energy will mean a whole lot to the people who pay the taxes.

I do not know of anybody in Iraq that is paying taxes to help the American people, so I think it is time that the American people who pay the taxes get a little bit of help.

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

Mr. HOBSON. Mr. Chairman, I rise to claim the time in opposition to the amendment offered by the gentleman from North Carolina and I yield myself such time as I may consume.

Mr. Chairman, the amendment cuts $20 million from the Department of Energy's departmental administration account and adds $20 million to the Corps of Engineers' operation and maintenance account.

This bill currently provides $253 million for the Department of Energy's departmental administration account for fiscal year 2006, and the committee recommendation is a cut of $26 million from the request. The gentleman's amendment would further reduce appropriations from the Department of Energy's salaries and expenses $5 million below the current-year enacted level. Cuts of this magnitude will require reductions in staff at the Department of Energy. Government employees may potentially be RIF'd for a period of time.

The amendment also seeks to add $20 million to the Corps' operation and maintenance account, for which the committee recommendation includes $2 billion. The amendment, if adopted, would have the effect of increasing funding for operation and maintenance by 1 percent.

Frankly, I sympathize with the gentleman. Funding needs are great, but the resources we have are limited. The Corps cannot, and we cannot, spend money we do not have. We need to ensure that the funds that are provided to the Corps are expended efficiently, consistent with the law and on the projects we appropriate.

I would like to point out to the gentleman that the bill provides $12.4 million in operation and maintenance funds for the projects he has expressed an interest in. In the past, the Corps was able to reprogram these funds and use them on other projects. In addition, the Corps would take ratable reductions against projects in the name of savings and slippage and use those funds on other purposes, not this year, as the bill includes reprogramming limitations and eliminates savings and slippage.

So while the gentleman may believe the funds provided in this bill are insufficient, I can assure him that the funds provided in this act will be used for those projects and not siphoned off for other uses.

I would suggest the gentleman withdraw the amendment. Failing that, I would oppose the amendment.

I also might point out that in the gentleman's district there is a total of, in North Carolina in O&M, there is $38 million put into this bill. With the limited resources that we have, I think the State did pretty well.

I will fight with the administration, for example, for the beach renourishment, for which they do not put anything in. But we do in the House and we have supported that because I do believe that that is an economic tool that the States need.

But at this point I would have to oppose the amendment and urge it not be adopted, but I would hope the gentleman would withdraw the amendment. Hopefully, next year, we will get a better allocation and we will do a better job on some of these things.

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

Mr. JONES of North Carolina. Mr. Chairman, how much time remains?

The CHAIRMAN. The gentleman from North Carolina (Mr. JONES) has 2½ minutes remaining, and the gentleman from Ohio (Mr. HOBSON) has 2½ minutes remaining.

Mr. JONES of North Carolina. Mr. Chairman, I yield myself such time as I may consume to say to the gentleman from Ohio that he has been very helpful, and I realize it is a tight money situation, but let me share with the gentlemen from Ohio, as well as Indiana, that last year I had the Marine Corps down in Camp Lejeune call me in my office and say, We need your help. We cannot train our Marines, who have been asked by this administration to go to Afghanistan and Iraq.

If the Corps had not had a little bit of extra money to do some dredging that was absolutely necessary in New River Inlet, which is in Jacksonville, North

Carolina, the home of Camp Lejeune, the Marines would not have been training.

Again, I respect the gentlemen greatly on both sides, but I am going to, at the proper time, ask for a recorded vote on this. I will say that I feel that I owe this not just to my district, but to the States in the United States that have waterways and have the needs that we have in North Carolina. Because it is not just North Carolina; there are many other States.

And, Mr. Chairman, I will just close by saying that I respect and appreciate the help I have received, and I hope next year will be a better budget year. But this year my State, as well as the other 49 States which have the harbors and inlets, are in desperate need and we need all the help we can get.

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

Mr. HOBSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. Mr. Chairman, I respect the remarks and the impetus behind the gentleman's amendment, but would add my voice to the chairman's in opposition to the amendment.

Mr. HOBSON. Mr. Chairman, I yield back the balance of my time.

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

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

Mr. JONES of North Carolina. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from North Carolina (Mr. JONES) will be postponed.

The point of no quorum is considered withdrawn.

□ 1945

AMENDMENT NO. 4 OFFERED BY MR. STUPAK

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. STUPAK:

At the end of the bill, add the following new section:

SEC. 503. None of the funds made available by this Act shall be used to accept deliveries of petroleum products to the Strategic Petroleum Reserve.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Michigan (Mr. STUPAK) and the gentleman from Ohio (Mr. HOBSON) each will control 15 minutes.

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

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

First, let me thank the chairman and the ranking member for their hard work on this legislation. This amendment here is the Strategic Petroleum Reserve amendment.

Basically, it says no funds made available by this act shall be used to accept deliveries of petroleum products to the Strategic Petroleum Reserve. When we did the energy bill, and I sit on the Committee on Energy and Commerce, our amendment was made in order and was accepted by the committee. Our amendment then was a little more detailed. It said there would be no oil going into SPR until the cost of a barrel of oil dropped below $44 for 2 consecutive weeks under the New York Stock Exchange.

If we put that triggering provision into this amendment, there would have been a point of order and this amendment would have been accepted under the rules of the House. Therefore, we have changed it and said no more delivery of petroleum products to the SPR fund. So I am joined by the gentleman from Vermont (Mr. SANDERS) and the gentleman from New York (Mr. BISHOP) to support this amendment.

When I go back to my district, many of my constituents express their concern with rising gasoline prices. I suspect most Members are hearing the same thing when they go home to their own districts. In an already fiscally constrained economy, these high gasoline prices yield yet another burden to America's families' already-tight purse strings.

The high cost of gasoline and oil has long been a problem and one that Congress has long grappled with. Today, oil is hovering around $49 a barrel which some experts predict could spike as high as $60 a barrel this summer.

With Memorial Day just around the corner, we are seeing prices at the pump reaching over $2 a gallon, with some parts of the country seeing prices as high as $2.44 a gallon. How high does the price have to go and for how long before we take action?

It is no secret, there are no quick fixes or easy fixes when it comes to the problem of high gasoline and oil prices; but there is no reason to continue filling the SPR with petroleum products when our economy is suffering due to sky-high oil and gas prices. The suspension of oil delivery to the SPR would put additional barrels of oil out into the world market to stabilize the world's oil supply and provide some relief at the pump to our consumers.

To continue filling the SPR sends the wrong message to the American public who continues to struggle because of these record-breaking gas prices, and it does nothing to help reduce the skyrocketing prices at the pump. It just does not make economic sense to add more pressure to what we all know is a very tight oil market when the effect is creating even higher gas prices for consumers here at home.

Finally, suspending the filling of the SPR does not hurt our energy security. The reserve is already filled to 95 percent capacity. It has approximately 695 million barrels that are now in storage. That is the highest it has ever been in our Nation's history. I urge my colleagues to support this amendment that will take pressure off the price of a barrel of oil and hopefully at the gas pump at home.

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

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

Mr. Chairman, I oppose the gentleman's amendment. The capacity of the strategic petroleum reserve is 727 million barrels. By August of 2005, the President's direction of 700 million barrels will be achieved.

The 2006 Presidential budget does not request additional barrels to be contracted. However, should the President determine in 2006, for reasons of national and economic security, to increase the supply of oil for the reserve, this amendment could prevent that.

One cannot predict the future, if there will be a national emergency to release the oil from the reserve, or a need to contract for more.

This amendment unnecessarily restricts the President from acting in a time of national need by setting an arbitrary limitation on the use of funds. Last year after hurricanes ravaged the Gulf of Mexico, there was a disruption in production at individual refineries. DOE made a short-term loan of 5.4 million barrels of oil to refiners that had a shortened supply of feed stock. If the Stupak amendment was in place at that time, these loans would not have happened because the oil would not be able to be repaid back to the reserve.

I do not think that we want to be in the business of restricting emergency powers only to make a statement on the price of oil today. Therefore, I oppose the amendment.

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

Mr. STUPAK. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. PELOSI), the Democratic leader.

Ms. PELOSI. Mr. Chairman, I rise in support of the Stupak/Bishop/Sanders amendment and commend them for bringing this important amendment to the floor.

Before speaking on it, though, I want to commend the gentleman from Ohio (Chairman HOBSON) of the Subcommittee on Energy and Water for the very dignified way the gentleman has dealt with the legislation, and to commend the gentleman from Indiana (Mr. VISCLOSKY), our ranking member on the subcommittee. They strive to work in a very bipartisan way on this important legislation.

I rise in support of the Stupak/Bishop/Sanders amendment, which, as the gentleman from Michigan (Mr. STUPAK) has explained, would immediately stop the filling of the Strategic Petroleum Reserve while gas prices are so high.

Mr. Chairman, all over the country people are crying out for relief at the

rising price at the pump. Small businesses and families are feeling the pinch, and the consequences are very substantial. Under current estimates, a family of four will spend $423 more on gasoline this year than last year and almost $800 more than 2 years ago. Consumers have paid the price for rising prices over the last year. Gas prices have remained at record levels for the past 2 months at over $2.12 per gallon nationwide with some States, my own State, the State of California, more than $2.53 a gallon.

This means that gas prices have risen 35 cents per gallon since the beginning of the year. The Department of Energy predicts that gas prices could average over $2.25 nationwide this summer. The Department of Energy also has said, their report also has said that the energy bill passed by this House a few weeks ago would increase the price at the pump.

Imagine that we are legislating on the floor of Congress measures that would increase the price at the pump instead of giving consumers the relief that they need. The gentleman from Michigan (Mr. STUPAK), the gentleman from New York (Mr. BISHOP), and the gentleman from Vermont (Mr. SANDERS) have a better idea.

This idea, as the gentleman from Michigan (Mr. STUPAK) explained, would stop filling the SPR so more oil was in the market, supply increases, and then the price should go down. This is what happened when it was done before.

When President Clinton was President, they released oil from the Strategic Petroleum Reserve in 2000 and gas prices were reduced by 14 cents a gallon, $6 a barrel. When President Bush released Strategic Petroleum Reserve oil in 1991, the price of oil per barrel dropped $10.

There was bipartisan support for this in the Senate in March 2004, and in the House in 2004 bipartisan initiatives urging the President to suspend oil deliveries in the Strategic Petroleum Reserve. This has worked for us before, whether it was releasing oil from the reserve or stopping oil from coming into the reserve.

Under current estimates, a family of four would pay so much more. As Mark Zandi, chief economist at Economy.com said recently, ''Each 1-cent increase in gasoline costs consumers $1 billion a year.''

It is no wonder that gas prices are the top concern of the American people, and record gas prices are starting to have a ripple effect in the economy. The airline and trucking industries are feeling the pinch. For 5 years, Republicans in Congress have pursued an energy policy to give away billions of dollars in subsidies to special interests that are already profiting from record-high gas prices. They have turned Washington into an oil and gas town when this is supposed to be the city of innovation, of fresh new thinking and ideas about our energy policy and the impact it has on the pocketbooks of the American people and on the environment and the air they breathe.

The President's own Department of Energy found the provisions in the energy bill actually increased the price of gasoline 3 cents, and our dependence on foreign oil is projected to increase 85 percent under the proposed policies of President Bush. During consideration of the energy bill, Democrats offered an amendment by the gentleman from New York (Mr. BISHOP) that called on the President to immediately urge OPEC to increase oil production and also to stop the filling of the SPR. It would have taken steps to protect the American people from price gouging and unfair practices at the gasoline pump and increased public information on prices. Unfortunately, the amendment failed.

How do Members figure that amendment would fail when it was in the interest of America's consumers? Well, if the public interest is not served and the special interest is, then it would follow that the consumer is not served. But we have another chance today. I urge my colleagues to support the amendment by the gentleman from Michigan (Mr. STUPAK), the gentleman from New York (Mr. BISHOP), and the gentleman from Vermont (Mr. SANDERS) to immediately stop filling of the Strategic Petroleum Reserve while gas prices are so high. Give the American consumer a break; vote for this important amendment.

Mr. STUPAK. Mr. Chairman, I yield 5 minutes to the gentleman from Vermont (Mr. SANDERS), a cosponsor of this amendment.

Mr. SANDERS. Mr. Chairman, I thank the gentleman for yielding me this time, congratulate the gentleman for his leadership, and thank the gentlewoman from California (Ms. PELOSI) for her support, and concur with the gentlewoman's remarks.

Mr. Chairman, all over this country, the people are asking a simple question: When will the United States Congress stand up and protect those workers in Vermont and all over this country who are spending hundreds and hundreds of dollars a year more at the gas pump?

Our Republican friends talk about tax breaks given to people. Those tax breaks have been eaten up many times over by people who are forced to pay outrageously high prices in order to get to work. This affects not only people in rural States like Vermont. It affects small businesses, farmers, the airline industry, the trucking industry; and, in fact, nobody denies it is affecting our entire economy. When is Congress going to stand up?

Meanwhile, while working people are paying more and more to fill up their gas tanks, the large oil industry corporations are reaping record-breaking profits.

I think it is about time that we started paying attention to the American worker and we did something, at least right now, to lower the cost of gas at the pump.

As the gentleman from Michigan (Mr. STUPAK) and the gentlewoman from California (Ms. PELOSI) mentioned, this is not a new idea. In fact, it is not a partisan idea. This is a concept that has been supported by Democrats and by many Republicans. It has been supported by the first President Bush and by former President Clinton.

Specifically, this amendment would suspend oil deliveries to the Strategic Petroleum Reserve. This is what President Bush did in 1991, what President Clinton did in 2000. This action would have the very immediate impact of lowering gas prices in America now.

Mr. Chairman, the Strategic Petroleum Reserve currently contains about 693 million barrels and the administration is pushing to increase that number to over 700 million barrels.

Today, approximately 72,000 barrels of oil per day are still being added to the SPR, over 2 million barrels per month. This amendment would suspend these oil deliveries and put this oil back on the market which could lead to lower prices immediately upon its implementation.

□ 2000

It would also keep gas prices down by making sure the government is not competing against consumers in the marketplace at a time when gas prices are so high.

Mr. Chairman, extrapolating from at least three economic studies done by Goldman Sachs, the largest crude oil trader in the world, the Air Transport Association, and petroleum economist Phillip Verleger, the estimate is, by releasing some 15 million barrels from SPR, we could reduce gasoline prices at the pump by 10 to 25 cents per gallon. By voting for this amendment today, we will be sending a very strong message to the President and that is, Mr. President, release oil from SPR right now.

Mr. Chairman, in the spring of 2002 when the price of gas was starting to increase, the staff at the Department of Energy recommended against buying more oil for SPR. DOE staff said, ''Commercial inventories are low, retail prices are high, and economic growth is slow. The government should avoid acquiring oil for the reserve under these circumstances.''

Mr. Chairman, as I mentioned earlier, there is bipartisan support for this concept. The time is now for the United States Congress to listen to those working people in the State of Vermont and elsewhere who have to travel 100 miles back and forth to work each day. That is not uncommon in this country.

These workers, who are seeing in many cases a real decline in their wages, need help. It seems to me that at a time when the profits of the oil industry are soaring, when workers are struggling to keep their heads above water, when the price of gas is soaring,

now is the time for us to act and act immediately.

I would hope we would have strong support from both sides of the aisle for this important amendment.

Mr. STUPAK. Mr. Chairman, I yield 4 minutes to the gentleman from New York (Mr. BISHOP), a cosponsor of this amendment.

Mr. BISHOP of New York. Mr. Chairman, I thank the gentleman for yielding time and I thank him for his leadership on this important issue.

Mr. Chairman, I am proud to rise as a cosponsor of the Sanders-Stupak-Bishop amendment which will restrict funding in the appropriations bill from being used to add more oil to the Strategic Petroleum Reserve. Today, our Nation faces exorbitant energy costs, and taxpayers continue to suffer sticker shock at the gas pumps.

As a front page article in today's Wall Street Journal reported, we have seen a recent decrease in the cost of oil, but compared to 1 year ago, gas prices on average are still 6 cents higher per gallon, diesel fuel is up $1.75, and jet fuel is up nearly 50 percent. Congress can and must do more to help stabilize the price of fuel.

The energy bill recently passed by the House failed to address these cost increases. In fact, some reports state that the cost of fuel may actually increase between 5 and 8 cents per gallon due to provisions in that legislation. That may not sound like a lot, but for a middle-class family, already struggling to keep up with rising tuition, health care costs and saving for retirement, this increase in gas prices will add up very quickly.

Today's Journal also reports that other experts estimate that the cost of oil may spike again to as high as $60 per barrel. I offered an amendment to the energy bill that would have prevented that increase, although it was not incorporated into the House-passed bill.

Mr. Chairman, as we approach one of the most heavily trafficked holiday weekends of the year, let us act now to do something positive for American families. By restricting funds used to store petroleum in the Strategic Petroleum Reserve and in consideration of other market factors, we can realize a drop in the cost of oil of between $6 and $11 a barrel.

In 2001, President Bush ordered the Strategic Petroleum Reserve to be filled to a capacity of 700 million barrels. The Reserve currently holds 692 million barrels, nearly 99 percent of the President's goal. Thus, I believe now is the time to temporarily suspend funding for the Reserve and offer the American people a break at the pumps.

Mr. Chairman, I urge my colleagues to support the Sanders-Stupak-Bishop amendment.

Mr. STUPAK. Mr. Chairman, I yield back the balance of my time.

Mr. HOBSON. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. STUPAK).

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

Mr. STUPAK. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT NO. 5 OFFERED BY MR. STUPAK

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. STUPAK:

At the end of the bill (before the Short Title), insert the following:

SEC. __. None of the funds made available in this Act may be used to implement a policy, proposed in the Annex V Navigation Programs by the Corps of Engineers, to use or consider the amount of tonnage of goods that pass through a harbor to determine if a harbor is high-use.

Mr. HOBSON. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. A point of order is reserved.

Pursuant to the order of the House of today, the gentleman from Michigan (Mr. STUPAK) and the gentleman from Ohio (Mr. HOBSON) each will control 5 minutes.

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

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

Mr. Chairman, I would like to bring to Members' attention a newly created OMB and Army Corps of Engineers' criterion for recommending operation and maintenance dredging of all small commercial harbors. Unfortunately, this criterion, which is highly inadequate and unfairly biased, will have a detrimental effect on communities in my northern Michigan district and on a number of communities across the country.

For fiscal year 2006 and fiscal year 2007, the Corps, with the help of OMB, has implemented new guidelines for determining whether a harbor is considered high use and, therefore, eligible to be considered to be funded for dredging in the President's budget.

According to the Corps, in order for a commercial harbor to be considered high use, it must now move at least 1 million tons of cargo annually. As a result of this tonnage requirement, a number of routine Army Corps operations and maintenance harbor dredging projects will not be carried out this year as they were in past years. As a result, small-town, rural America will suffer more job losses, businesses will struggle and infrastructure could be damaged.

You only need to look at the community of Ontonagon in my district for an example of the devastating effects this policy will have. Ontonagon was taken by surprise when they were not included in the President's budget for the first time in many years. If this harbor is not dredged, the future of our paper company, Smurfit-Stone Container Corporation, which relies on the harbor for coal and limestone deliveries, and White Pine Power, a revitalized coal plant that depends on the harbor for coal deliveries by ship for its power generation, will be in jeopardy.

To give you an idea of how bad the silting is in this area, last year it was dredged and it was dredged down to 19 feet. Less than a year later, this weekend when I was at Ontonagon, it was back down to 6 feet. We lost 13 feet in less than a year because of the silt coming down from the Mineral River. Imagine the consequences for small towns like Ontonagon if their largest businesses are unable to receive the goods they need to remain competitive. Rural communities already have limited resources available to them without this added hardship.

The Army Corps must develop more appropriate requirements to determine whether a harbor is to be included in the President's budget for a yearly dredge. If they continue to determine whether harbors like Ontonagon receive funding in the President's budget based primarily on tonnage, our small commercial harbors will continue to be shortchanged, affecting the economic livelihoods of our communities.

We need to ensure that the Corps is putting forth guidelines and policies that are as fair as possible and also reflect an appropriate amount of transparency to the public.

Mr. Chairman, I am not going to ask for a recorded vote. In fact, I will withdraw the amendment if I may enter into a brief colloquy with the chairman.

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

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

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

Mr. HOBSON. I yield to the gentleman from Michigan.

Mr. STUPAK. Mr. Chairman, I thank the gentleman for yielding.

For fiscal year 2006 and 2007, the Army Corps has implemented new guidelines for determining whether a harbor is considered high use and, therefore, eligible to be considered to be funded for dredging in the President's budget. In order for a harbor to be considered high use, it must move at least 1 million tons of cargo per year.

This would have severe ramifications on small, rural harbors, such as Ontonagon Harbor in my district, which has typically been included in the President's budget. If the harbor is not dredged, the future of our paper company, Smurfit-Stone Container Corporation, which relies on the harbor for coal and limestone deliveries, and White Pine Power, a revitalized coal plant that depends on the harbor for coal deliveries by ship for its power generation, will be in jeopardy. Without this yearly dredge, these communities are subject to harsh floods and

the inability to receive goods they need through these harbors.

I seek assurance from the gentleman that he will work with the Corps and us to reevaluate this policy that could affect not only my small harbors, but small harbors throughout this country.

Mr. HOBSON. I understand the gentleman from Michigan's concerns about the effects this policy may have on small harbors. While I believe that tonnage should be a consideration when the Army Corps prioritizes operations and maintenance dredging projects, I do not believe it should be the sole basis.

I look forward to working with the gentleman from Michigan and the Army Corps to address this issue and identify appropriate factors for consideration.

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

Mr. HOBSON. I yield to the gentleman from Indiana.

Mr. VISCLOSKY. I thank the gentleman for yielding.

Mr. Chairman, I do want to thank the gentleman from Michigan for raising the issue. It is an important one. We have had other ratios for determination of Corps funding that had been brought before the subcommittee during the hearing process. They were also questioned.

I understand that the gentleman is concerned about ports of specific size, but I also think one of the things that we have to do a better job of, and the chairman has done his very best here, is to look at entire systems, as well, to make sure there is a fair allocation of these resources for the commerce and, potentially, for the environmental cleanup of these very systems and the individual ports; and I certainly want to join with the chairman and the rest of the subcommittee to do the best job possible looking forward to address this issue. It is an important one.

I appreciate its having been raised.

Mr. STUPAK. I thank the chairman and the ranking member for their assurances. I look forward to working with them on this issue.

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

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. TIAHRT

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TIAHRT:

At the end of the bill (before the short title) insert the following:

SEC. ____. None of the funds made available in this Act may be used to promulgate regulations without consideration of the effect of such regulations on the competitiveness of American businesses.

Mr. HOBSON. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. A point of order is reserved.

Pursuant to the order of the House of today, the gentleman from Kansas (Mr. TIAHRT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Kansas (Mr. TIAHRT).

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

Mr. Chairman, the United States has the number one economy in the world, and it is the envy of the world. We also have the most powerful military in the history of the world, but I believe we are headed down the wrong path.

Our trade deficit last year was $670 billion. Our Federal deficit exceeded $400 billion. And we saw the loss of many high-quality, high-paying jobs. While other countries are preparing for the future, the current trends in the United States should be of concern to us all, because I believe we are on the path towards a third-rate economy.

Our health care costs are growing too fast and forcing companies to withdraw these benefits from many of our employees. Our education system lags behind the developing world and needs to be revamped. Our trade policy fails to enforce many of the policies that we have in place. Our tax system punishes success. Our energy policy relies on imports rather than natural resources we have here in America, along with renewable energy resources that we have here in America. Our research and development policy needs to be enhanced. Lawsuits plague those who keep and create jobs here in America and that slows our economic growth.

Mr. Chairman, my amendment says that none of the funds available in this act should be used to promulgate regulations without consideration of the effects of such regulations on the competitiveness of American businesses, because that, Mr. Chairman, means more jobs. If we are going to succeed in the future, we have to create an environment here in America that encourages competition and does not discourage growth. Regulatory costs are killing our jobs. Less government regulations not only means granting the freedom to allow Americans to pursue their dreams, it also means providing the space for business to thrive, which means more jobs for working Americans.

Instead, our Federal Government has become a creeping ivy of regulations that strangle enterprise.

It is estimated today that the regulatory burden as of 2000 was $843 billion. That has cost us U.S. jobs. The regulatory compliance burden on U.S. manufacturers is the equivalent of a 12 percent excise tax.

Mr. Chairman, if we could cut the regulatory burden in half, we would be 6 percent more competitive. As we approve spending allocations for the Department of Energy and other related agencies, we need to remind them of the importance of their actions and what they do with the funding that we give them.

Mr. Chairman, I have spoken with the gentleman from Ohio (Mr. HOBSON), and I have complete confidence that he will help us make America more competitive in the future. I plan to withdraw this amendment tonight, but I do not plan to retreat from this fight to reduce the barriers to keeping and creating jobs in America.

Mr. Chairman, I know that the gentleman from Ohio will work with me to help us create an environment to bring more jobs back to America.

Mr. Chairman, I respectfully withdraw the amendment.

The CHAIRMAN. Without objection, the amendment of the gentleman from Kansas is withdrawn.

There was no objection.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Chairman, I thank the gentleman from Indiana (Mr. VISCLOSKY) and the gentleman from Ohio (Mr. HOBSON) for their work on this bill.

I wish to associate myself with the words of the gentleman from Michigan (Mr. STUPAK) concerning smaller ports and maintenance dredging by the Army Corps of Engineers. Not only would this affect the port of Astoria in my congressional district, but it would affect smaller ports up and down the coast of Oregon. This is an issue of great concern to Michiganders, to Oregonians and to other Americans.

□ 2015

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: the amendment offered by the gentleman from Massachusetts (Mr. MARKEY), the amendment offered by the gentleman from North Carolina (Mr. JONES), and the amendment offered by the gentleman from Michigan (Mr. STUPAK).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. MARKEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 110, noes 312, not voting 11, as follows:

[Roll No. 207]

AYES—110

Abercrombie
Ackerman
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boswell
Brown (OH)
Brown, Corrine
Capps
Capuano
Carson
Chandler
Clay
Conyers
Cooper
Crowley
Davis (CA)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Eshoo
Evans
Farr
Filner
Ford
Frank (MA)
Gibbons
Grijalva
Harman
Hastings (FL)
Hinchey
Holt
Honda
Hooley
Inslee
Israel
Jackson (IL)
Johnson, E. B.
Kennedy (RI)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matheson
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Menendez
Michaud
Miller, George
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Payne
Pelosi
Rahall
Rangel
Roybal-Allard
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Serrano
Sherman
Slaughter
Smith (WA)
Solis
Spratt
Stark
Thompson (CA)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Wasserman Schultz
Watson
Waxman
Weiner
Wexler
Woolsey
Wu

NOES—312

Aderholt
Akin
Alexander
Andrews
Baca
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chocola
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Costa
Costello
Cox
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Etheridge
Everett
Fattah
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutierrez
Gutknecht
Hall
Harris
Hart
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matsui
McCarthy
McCaul (TX)
McCotter
McHenry
McHugh
McIntyre
McKeon
McMorris
Meek (FL)
Meeks (NY)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Pascrell
Pastor
Paul
Pearce
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Souder
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Upton
Visclosky
Walden (OR)
Walsh
Waters
Watt
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (FL)

NOT VOTING—11

Allen
Bean
Doggett
Hastings (WA)
McCrery
Millender-McDonald
Moore (WI)
Pence
Pickering
Wamp
Young (AK)

□ 2042

Ms. GINNY BROWN-WAITE of Florida and Messrs. PETERSON of Pennsylvania, KIRK, HEFLEY, SHAYS, ROTHMAN, CLEAVER, MORAN of Virginia, GENE GREEN of Texas, REYES, MCINTYRE, GILLMOR, STRICKLAND and AL GREEN of Texas changed their vote from ''aye'' to ''no.''

Ms. LOFGREN of California, Ms. DELAURO, Ms. WATSON and Mr. SHERMAN changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. MOORE of Wisconsin. Mr. Chairman, on rollcall No. 207, the Markey-Holt amendment to H.R. 2419, had I been present, I would have voted "aye."

Stated against:

Ms. BEAN. Mr. Chairman, on rollcall No. 207, had I been present, I would have voted "no."

AMENDMENT OFFERED BY MR. JONES OF NORTH CAROLINA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from North Carolina (Mr. JONES) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN.

A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 152, noes 275, not voting 6, as follows:

[Roll No. 208]

AYES—152

Abercrombie
Ackerman
Baca
Baird
Barrow
Bartlett (MD)
Bean
Berkley
Bishop (NY)
Bishop (UT)
Boehner
Boswell
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Cannon
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Coble
Conyers
Costa
Cummings
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
Duncan
Engel
Etheridge
Evans
Foley
Forbes
Ford
Fortenberry
Fossella
Frank (MA)
Gerlach
Gibbons
Gonzalez
Goode
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hastings (FL)
Hayworth
Herseth
Higgins
Hinojosa
Honda
Hooley
Hostettler
Hulshof
Inslee
Israel
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kennedy (RI)
Kildee
Kind
King (NY)
Kucinich
Langevin
Larsen (WA)
Leach
Lee
Lipinski
Lowey
Lungren, Daniel E.
Lynch
Maloney
Markey
Marshall
Matheson
McCaul (TX)
McDermott
McGovern
McIntyre
Meehan
Melancon
Menendez
Michaud
Miller, Gary
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Napolitano
Neal (MA)
Nussle
Oberstar
Ortiz
Pallone
Paul
Payne
Peterson (MN)
Petri
Poe
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Renzi
Reyes
Rogers (AL)
Ruppersberger
Salazar
Sánchez, Linda T.
Schakowsky
Scott (VA)
Sessions
Shaw
Sherman
Shimkus
Skelton
Slaughter
Smith (WA)
Stark
Strickland
Tancredo
Tanner
Taylor (MS)
Terry
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Wasserman Schultz
Watson
Watt
Weiner
Wexler
Wilson (SC)
Woolsey
Wynn

NOES—275

Aderholt
Akin
Alexander
Andrews
Bachus
Baker
Baldwin
Barrett (SC)
Barton (TX)
Bass
Beauprez
Becerra
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Blackburn
Blumenauer
Blunt
Boehlert
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Carter
Castle
Chabot
Chocola
Cleaver
Clyburn
Cole (OK)
Conaway
Cooper
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cunningham
Davis (AL)
Davis (FL)
Davis (KY)
Davis, Tom
Deal (GA)
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks

Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
English (PA)
Eshoo
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gillmor
Gingrey
Gohmert
Goodlatte
Gordon
Granger
Graves
Hall
Harman
Harris
Hart
Hayes
Hefley
Hensarling
Herger
Hinchey
Hobson
Hoekstra
Holden
Holt
Hoyer
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jackson (IL)
Jindal
Johnson (CT)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kilpatrick (MI)
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Lantos
Larson (CT)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren, Zoe
Lucas
Mack
Manzullo
Marchant
Matsui
McCarthy
McCollum (MN)
McCotter
McCrery
McHenry
McHugh
McKeon
McKinney
McMorris
McNulty
Meek (FL)
Meeks (NY)
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moran (KS)
Murtha
Musgrave
Myrick
Nadler
Neugebauer
Ney
Northup
Norwood
Nunes
Obey
Olver
Osborne
Otter
Owens
Oxley
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (PA)
Pitts
Platts
Pombo
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Loretta
Sanders
Saxton
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Serrano
Shadegg
Shays
Sherwood
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Stupak
Sullivan
Sweeney
Tauscher
Taylor (NC)
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Waters
Waxman
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wolf
Wu
Young (FL)

NOT VOTING—6

Allen
Hastings (WA)
Millender-McDonald
Pickering
Wamp
Young (AK)

□ 2051

Mr. GEORGE MILLER of California changed his vote from ''aye'' to ''no.''

Mr. HONDA changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 4 OFFERED BY MR. STUPAK

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. STUPAK) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 174, noes 253, not voting 6, as follows:

[Roll No. 209]

AYES—174

Ackerman
Andrews
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Bishop (NY)
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Chandler
Clay
Cleaver
Conyers
Costa
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Doggett
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Flake
Forbes
Frank (MA)
Goodlatte
Gordon
Green (WI)
Green, Al
Grijalva
Gutierrez
Gutknecht
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Levin
Lewis (GA)
Lipinski
Lowey
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (VA)
Serrano
Sherman
Slaughter
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Terry
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—253

Abercrombie
Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Case
Castle
Chabot
Chocola
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Cox
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Drake
Dreier
Duncan
Ehlers
Emanuel
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Granger
Graves
Green, Gene
Hall
Harris
Hart
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson, Sam
Kanjorski
Kaptur
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Pastor
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sabo
Saxton
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Waters
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—6

Allen
Hastings (WA)
Lee
Millender-McDonald
Pickering
Young (AK)

□ 2100

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. ALLEN. Mr. Chairman, on rollcall No. 207, 208, and 209, I was unavoidably detained. Had I been present, I would have voted "yes" on all 3.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the ''Energy and Water Development Appropriations Act, 2006''.

Mr. HOBSON. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PUTNAM) having assumed the chair, Mr.

GOODLATTE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2419) making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Pursuant to House Resolution 291, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. ETHERIDGE

Mr. ETHERIDGE. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. ETHERIDGE. Mr. Speaker, in its current form, yes.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Etheridge of North Carolina moves to recommit the bill H.R. 2419, to the Committee on Appropriations with instructions to report the same back to the House forthwith with the following amendment:

On page 23, line 20, after ''$86,426,000,'' insert the following:

''of which $500,000 shall be available to develop and publish a report on imported crude oil and petroleum sales to the United States pursuant to 15 U.S.C. 796 and 42 U.S.C. 7135.''

On page 27, line 8, strike ''$35,000'' and insert ''$1,035,000''.

The SPEAKER pro tempore. The gentleman from North Carolina (Mr. ETHERIDGE) is recognized for 5 minutes.

Mr. ETHERIDGE. Mr. Speaker, I know the hour is late and folks want to go home.

Mr. Speaker, let me thank the chairman and the ranking member for their hard work on this bill. But like anything we do in this body, we can do better. This coming Friday will begin Memorial Day, and for many Americans it really is the beginning of summer.

On that day, tens of thousands of North Carolinians and millions of Americans are getting into their cars and hitting the road for vacation. They may visit our State's beautiful beaches or seashores. They may visit the cool mountain vistas to the west. Or they may just leave our State altogether and travel across this country.

Regardless of where they go and how far they travel, they will all be confronted by the same ugly truth: Our Nation is experiencing the highest gasoline prices in the history of this country. The average price of regular unleaded gasoline in the United States is over $2.12 a gallon, 6 cents higher than it was a year ago.

For diesel fuel users like truck drivers and farmers, the national average is over $2.15, 39 cents a gallon higher than last year. In the central Atlantic States, like North Carolina, the price for regular unleaded and diesel are higher than the national average.

As I travel throughout my district, I regularly hear complaints from my constituents about higher gasoline prices and diesel fuel prices. Farmers, commuters, employers, senior citizens and all North Carolinians have been hit hard by higher gasoline prices.

Truck drivers are seeing their businesses suffer. Farmers are forced to watch their costs escalate, eating into their bottom line, especially now, when they are getting into the fields. And for people who have lost their jobs and still cannot find work, higher gasoline prices place an even higher burden on them.

People who live in rural districts like mine have to travel farther than folks living in any other area to go to work, to get to a store, to go to church, to take their children to school and any number of places. While high gasoline prices hurt everyone, rural Americans are especially hit hard. Everyone talks about the problem.

The United States is too dependent on foreign oil. Every time we have a small disruption in the Middle East, the marketplace reacts wildly and drives the price of a barrel of oil even higher. We need to reduce our Nation's dependency on foreign oil, and we need to bring gas prices down, and this motion to recommit is a step in that direction.

This motion will direct $500,000 from the Energy Information Administration for analysis of imported crude oil and its impact on petroleum sales.

It also provides $1 million for the Secretary of Energy to conduct a conference with foreign oil producers of foreign oil-producing nations.

I remember when Saudi Arabia and other OPEC nations used to say they wanted to get the price of a barrel of oil between $22 and $28 a gallon.

Mr. Speaker, this is a serious issue. We may not think so in this body, but I guarantee you the people across this America do. And let me tell you, when the Saudis said $22 to $28 a barrel they were shooting for, and it is now $50 and above, they missed that by a country mile where I come from.

If they truly want to bring down prices, they could do that today. Actions speak louder than words, and it is time for action.

This administration must insist that Saudi Arabia and OPEC nations raise their production levels now. And this motion will ensure that the administration has the means to bring these nations together at a conference and deal with this issue immediately. Every day we continue to experience higher gas prices is another day that is a drain on the wallet of every single American.

Last Sunday at church a church member came to me and he said, You know, I am an independent truck driver, and the cost of my fuel is going up, and it is going to put me in bankruptcy.

Mr. Speaker, there are a lot of people across this country tonight in that same situation, and we can do something about it. Instead, we are not offering the kind of proposal to make a difference. This will offer a proposal to the U.S. Department of Energy Information Administration to move and take action and take action quickly.

Mr. Speaker, the bill that we passed earlier on energy will increase the cost by 85 percent in 20 years. That is increasing our dependency. This is an opportunity for a solution. This is the way that we should impact it positively.

I urge my colleagues to vote for this motion to recommit.

Mr. HOBSON. Mr. Speaker, I oppose the motion to recommit and urge a speedy passage of the underlying bill, and yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. ETHERIDGE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for the electronic vote on the question of final passage.

The vote was taken by electronic device, and there were—ayes 167, noes 261, not voting 5, as follows:

[Roll No. 210]

AYES—167

Ackerman	Costa	Gutierrez
Allen	Crowley	Harman
Andrews	Cuellar	Hastings (FL)
Baca	Cummings	Herseth
Baird	Davis (AL)	Higgins
Baldwin	Davis (CA)	Hinojosa
Barrow	Davis (FL)	Honda
Bean	Davis (IL)	Hooley
Becerra	Davis (TN)	Hoyer
Berman	DeFazio	Inslee
Bishop (GA)	DeGette	Israel
Bishop (NY)	Delahunt	Jackson (IL)
Boswell	DeLauro	Jackson-Lee (TX)
Boucher	Dicks	Jefferson
Brady (PA)	Dingell	Johnson, E. B.
Brown (OH)	Doggett	Jones (NC)
Brown, Corrine	Doyle	Jones (OH)
Butterfield	Emanuel	Kennedy (RI)
Capps	Engel	Kildee
Cardin	Eshoo	Kilpatrick (MI)
Cardoza	Etheridge	Kucinich
Carnahan	Evans	Langevin
Carson	Farr	Lantos
Case	Fattah	Larsen (WA)
Chandler	Filner	Larson (CT)
Clay	Ford	Lee
Cleaver	Frank (MA)	Levin
Clyburn	Gordon	Lewis (GA)
Conyers	Green, Al	Lipinski
Cooper	Grijalva	

Lofgren, Zoe
Lowey
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Obey
Olver
Owens
Pallone
Pascrell
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Solis
Spratt
Stark
Strickland
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Towns
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—261

Abercrombie
Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berkley
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Costello
Cox
Cramer
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green (WI)
Green, Gene
Gutknecht
Hall
Harris
Hart
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinchey
Hobson
Hoekstra
Holden
Holt
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McDermott
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Ortiz
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sabo
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—5

Hastings (WA)
Millender-McDonald
Pastor
Pickering
Young (AK)

□ 2128

Messrs. CAPUANO, COSTELLO and TIERNEY changed their vote from ''aye'' to ''no.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. PUTNAM). The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 13, not voting 4, as follows:

[Roll No. 211]

YEAS—416

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
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
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
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
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
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
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pombo
Pomeroy
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
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
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
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—13

Berkley
Etheridge
Flake
Franks (AZ)
Gibbons
Green (WI)
Inslee
Kucinich
Matheson
Paul
Porter
Sensenbrenner
Stearns

NOT VOTING—4

Hastings (WA)	Millender-McDonald	Pickering
		Young (AK)

□ 2136

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

STEM CELL RESEARCH ENHANCEMENT ACT OF 2005

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

Mr. SCHIFF. Mr. Speaker, embryonic stem cell research has the potential to lead to cures of debilitating diseases affecting millions of people. Well-respected medical experts from many of our Nation's finest institutions have been seeking cooperation from the Federal Government for this research and have been stymied by the cell lines available under current law.

H.R. 810, a bill which I am proud to be an original cosponsor of, provides strong, ethical guidelines that ensure high standards in stem cell research. It also provides hope to countless people who live each day less sure of their future.

Some would suggest we must choose between lifesaving research on the one hand and high moral standards on the other. This is a false choice. We can and must have both. H.R. 810 gives hope to the ill and maintains America's high ethical purpose. It has my full support.

STEM CELL RESEARCH

(Ms. ZOE LOFGREN of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include therein extraneous material.)

Ms. ZOE LOFGREN of California. Mr. Speaker, I support H.R. 810, the Stem Cell Research Enhancement Act.

Stem cell research holds the potential to improve the lives of millions of Americans suffering from diseases like cancer, heart disease, and diabetes. I believe we should do all we can to support this research, and it is why I am so frustrated at the Bush administration's attempts to stop it.

NIH said that U.S. scientists are falling behind because of the Bush 2001 limitations on stem cell research. Elizabeth Nable of the National Heart, Lung and Blood Institute said, ''Because U.S. researchers who depend on Federal funds lack access to newer human embryonic stem cell lines, they are at a technological disadvantage relative to researchers funded by California, as well as investigators in Asia and Europe.

My home State of California has already moved ahead of the Federal Government by establishing the Institute for Regenerative Medicine, which will devote $3 billion to embryonic stem cell research over the next 10 years.

This bill is a modest proposal compared to California's, but it is still an important step; and that is why it is supported by all the major educational research institutions in California.

I include their letter of support in the RECORD. Let us not drive this research overseas.

MAY 19, 2005.

Hon. ZOE LOFGREN,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE LOFGREN: We are writing to express our support for changing federal policy on human embryonic stem cell research to allow an expansion in available cell lines. As you probably know, a vote on legislation that would alter current policy is expected in the coming weeks, and we urge your ''Yes'' vote.

Embryonic stem cells hold the potential for new cures and therapies for an array of life-threatening diseases affecting millions of Americans across the nation. This potential will be enhanced by the bipartisan Stem Cell Research Enhancement Act (H.R. 810), introduced by Representatives Michael Castle (R–DE) and Diana DeGette (D–CO) and cosponsored by more than 200 members of the House of Representatives.

The Castle-DeGette bill would expand current policy to allow federal funding for research with stem cell lines discovered after the mandated August 9, 2001, cut-off date as well as lines derived in the future. With regard to future stem cell lines, the bill applies only to lines derived from days-old blastocysts that otherwise would be discarded from in vitro fertilization clinics, but that instead are voluntarily donated to research by consenting individuals, without compensation. Further, this legislation would ensure the development of ethical guidelines for research with embryonic stem cell lines.

California has moved ahead by establishing the Institute for Regenerative Medicine, which will devote $3 billion to embryonic stem cell research over the next ten years. The provisions within H.R. 810 are more restrictive than those of the California Initiative; however, H.R. 810 is crucial because it will make a significant difference to nationwide federal research programs. This expansion in policy will further facilitate and accelerate the research conducted in our state.

When the current federal embryonic stem cell research policy went into effect in 2001, the notion was that 78 cell lines would be available for research. Currently, only 22 are actually available to researchers; many others have been found unsuitable. Furthermore, a number of the available lines are entangled with commercial interests making the cells too expensive or impossible for NIH-funded investigators to obtain. For these reasons, the existing embryonic stem cell lines do not provide a sufficient supply to advance the research to its full potential.

Embryonic stem cells offer the potential to reverse diseases and disabilities experienced by millions of Americans. Stem cell research is still very new. Thus, we have a collective responsibility—scientists, university leaders, and government leaders—to support the exploration of the promising possibilities of both embryonic and adult stem cell research for curing and preventing disease.

Please support scientific advancement and the possibility of new cures by voting ''Yes'' on H.R. 810 to expand federal stem cell research policy.

Sincerely,

ROBERT C. DYNES,
President, University of California.

STEVEN B. SAMPLE,
President, University of Southern California.

DAVID BALTIMORE,
President, California Institute of Technology.

JOHN L. HENNESSY,
President, Stanford University.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. MARCHANT). 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.

OIL INDUSTRY AND OPEC PRICE GOUGING

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

Mr. DEFAZIO. Mr. Speaker, not too long ago we passed the so-called energy bill here in the House, and tonight we passed the Energy and Water Development appropriations bill. The question that the American people should ask as we head into the Memorial Day weekend is, what has the Republican Congress done to rein in price gouging by the oil industry and the OPEC oil cartel? The answer, if you look at these two bills, is: Nothing. Absolutely nothing. Nada. Zip.

If you would listen to the Republican President from the oil industry, the Republican Vice President rich from the oil industry, and the Republican Congress replete with donations from the oil industry, they are powerless in the face of so-called market forces to do anything about the price gouging of the American people.

Now, if this were really just supply and demand, maybe, maybe you could understand that. But it is a little more than that. The OPEC oil cartel conspires to restrict supply and drive up the price of oil in violation of all the so-called free trade agreements that this Republican Congress and this Republican President say should rule the world.

The World Trade Organization, well, I have asked this President four times now in writing to file a complaint about this illegal activity by the OPEC cartel. It violates the rules of the World Trade Organization, of which this President is such a great fan. Now, why will he not file a complaint? Of seven of the OPEC cartel, six are in the World Trade Organization and one wants to join. Tremendous leverage. File a complaint about their illegal activity. Save the American people from cartels that price-gouge them.

But, no, the President will not do that. Why is that? It is because the oil companies, from which the President has sprung forth, and the Vice President make a lot of money on this.

Every time the oil cartels raise the price about two bucks a barrel, well, they take that plus another 10 percent for profit. So the higher the price, the bigger their profit.

If you look at the quarterly statements of the largest oil companies in the world, ExxonMobil and others, they are awash in tens of billions of dollars of cash extracted 10, 20, 30 cents at a time in excess profits from the American people at the pump.

Now, this is hurting real people. But this administration says they are powerless. This Republican Congress says they are powerless. They cannot take on the OPEC cartel. They cannot take on the price-gouging oil industry. They pass so-called energy legislation that says maybe 10, 12, 15 years from now, if there is any oil in ANWR, and if we can pump it, and if they do not take too big of a markup or price gouge on that, it will provide some price relief. That is their answer.

Today, in this bill there was nothing. They could not even adopt the minimalist study of what the OPEC cartel is doing to the American people. That was not allowed by the Republican majority. And they certainly could not allow the amendment that would stop the United States Government from buying from the oil companies at this extortionate price and pumping that oil into the ground for a future crisis.

This is a crisis now, today, for working American men and women, people who have to commute to work in my district by car. Small businesses across this country and big businesses and the airlines are going broke. But this administration says they are powerless, they can do nothing.

Well, guess what? The United States of America can do better, but we just have to get rid of the oil cartel. Not the OPEC oil cartel, but the oil cartel running the United States Congress and the White House and the Vice President's office.

The SPEAKER pro tempore (Mr. WESTMORELAND). 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.)

□ 2145

EXCHANGE OF SPECIAL ORDER TIME

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent to assume the Special Order time of the gentleman from Minnesota (Mr. GUTKNECHT).

The SPEAKER pro tempore (Mr. MARCHANT). Is there objection to the request of the gentleman from Tennessee?

There was no objection.

U.S. SHOULD WITHDRAW FROM IRAQ AND AFGHANISTAN

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

Mr. DUNCAN. Mr. Speaker, Hamid Karzai, the President of Afghanistan, criticized the U.S. in a graduation speech in Boston on Sunday. He said the U.S. had ''the power and hence the responsibility'' to get involved in Afghanistan even before the tragic events we refer to as 9/11. President Karzai said because the U.S. did not get involved sooner, the result was ''horrible suffering for the Afghan people.''

This is a man who was given a hero's welcome at the White House, the State and Defense Departments, and the World Bank just yesterday. This is a man who was a special guest at two joint sessions of Congress. This is a man who probably would not be president today if not for the U.S., and to whom our taxpayers have given billions of dollars since September of 2001.

It takes a lot of gall for President Karzai to come to the U.S. and blame us for the horrible suffering of the Afghan people because we did not get involved in Afghanistan in a big way before 2001.

Since 2001, U.S. taxpayers have sent billions to Afghanistan for economic, humanitarian, and reconstruction assistance. We have sent several hundreds of millions of dollars each year, in addition to what the military is spending, and most of what the military is doing in Iraq and Afghanistan is pure foreign aid. No country in the history of the world has even come close to doing as much for other countries as has the United States. No country in the history of the world has even come close to doing as much for Afghanistan as has the United States. Yet President Karzai comes here and makes a major speech and instead of thanking the American people over and over, as he should have, he criticizes us for not getting involved sooner.

Just yesterday, the front page of The Washington Post carried a story about the parents of Pat Tillman who was killed by friendly fire in Afghanistan. The parents bitterly attacked the Army for lying and covering up the details of their son's death, and they have every right to do so. Pat Tillman's dad said, ''They blew up their poster boy'' and then lied about it to create a ''patriotic fervor'' in the U.S.

I voted to go to war in Afghanistan because I and everyone but one in Congress felt we had to respond to 9/11, but we should have gotten out of there after 3 or 4 months; and if we had, Pat Tillman would still be alive today.

I voted against going to war in Iraq because, among many other reasons, Saddam Hussein's total military budget was only a little over two-tenths of 1 percent of ours, and he was no threat to us whatsoever. It is no criticism of the military to say this was a totally unnecessary war.

Unless conservatives now believe in massive foreign aid, huge deficit spending, world government and placing almost the entire burden of enforcing U.N. resolutions on our taxpayers and our military, all things that conservatives have opposed in the past, then conservatives should want us to get out of both Iraq and Afghanistan.

William F. Buckley, Jr., the godfather of conservatism, wrote a column a few days ago saying it is now time to exit Iraq. Many leaders of our military will want us to stay in Iraq and Afghanistan for many years so they can get higher and higher appropriations. But in a few months, our national debt will reach $9 trillion. By the end of this fiscal year, we will have spent over $300 billion in Iraq and Afghanistan and probably another $100 billion in the coming fiscal year which starts October 1.

Mr. Speaker, seven more Americans were killed in Iraq yesterday. Our colleague, the gentleman from Mississippi (Mr. TAYLOR), just told me that four guardsmen from his State were killed today. Already this month has been one of the bloodiest of the entire war. The headlines on the front page of the Washington Times says: ''Car bombings kill scores across Iraq.''

Our Founding Fathers did not intend for us to run Iraq or Afghanistan or any other country. Our first obligation should be to the American people and no one else. We should be friends to other countries, but we cannot afford to continue spending hundreds of billions all over the world.

In just a few years we will not be able to pay our own people all the Social Security, Medicare, Medicaid, drug costs, military and civil service and private pensions that we have promised. To stay any longer in Iraq or Afghanistan goes against every traditional conservative position. We can no longer afford it in either blood or treasury.

PASS H.R. 2560, THE ELAINE SULLIVAN ACT

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

Mr. JACKSON of Illinois. Mr. Speaker, today I introduced legislation, H.R. 2560, that is specifically designed to save lives and reduce suffering. It is a small, but significant, measure to protect the voiceless and the vulnerable.

In an instant, a wrong turn, a sudden fall, a missed step, someone, indeed anyone, can find himself or herself in a crisis and in need of emergency medical care.

In California alone, nearly 10 million people require emergency room care every year. And of those, 1.5 million arrive in critical condition. In fact, nationwide, nearly 1 million people arrive in emergency rooms each year unconscious or physically unable to give informed consent to their care.

What happens or what fails to happen in the critical, precious, and immediate moments after the single split second of an emergency can be the difference between healing and heartbreak, between calamity and recovery, between life and death.

Consider the story of Elaine Sullivan. A very active 71-year-old woman, Elaine fell at home while getting into her bathtub. When paramedics arrived, they realized that injuries to her mouth and head had made her unable to communicate, or as the hospital later discovered, to give informed consent for her own care.

Although stable for the first few days, she began to slip into critical condition. Despite having her daughter's contact information clearly indicated on her chart, the hospital failed to notify her family for 6 days. Tragically, just hours later, Elaine Sullivan died alone in the hospital.

In the aftermath of this tragedy, Elaine Sullivan's daughter, Jan, and granddaughter, Laura, turned their personal pain to public action. Jan and Laura Greenwald went to work to make sure that what happened to their loved one would not happen to others.

From their research, the Greenwalds learned about other incidents like their own, in which families of hospitalized patients were not notified at all or notified after lengthy delay. Although uncommon, these stories were alarming; but, alas, they were avoidable.

Let me be clear. Most hospitals notify the next of kin of unconscious emergency room arrivals relatively quickly. However, emergency rooms are extremely high pressure, intense, and sometimes chaotic environments. According to statistics compiled by the American College of Emergency Physicians, more than 88 percent of emergency room doctors surveyed reported moderate to severe overcrowding in their department. In the hustle and bustle of the ER, despite the professionalism and dedication of staff, there are real risks that a simple phone call may not be able to be made in a timely fashion.

In the case of Elaine Sullivan, the phone call was not made. In her memory and honor, I have introduced this bill so that in the future phone calls to loved ones will always be made. The bill, the Elaine Sullivan Act, is sensible. It requires hospitals that receive Medicare funding to make reasonable efforts to contact a family member, specified health care agent, or surrogate decision-maker of incapacitated patients within 24 hours of arrival at the emergency department.

The bill is realistic. Modeled after State laws in Illinois and California, the bill recognizes that such notifications would be difficult and even impractical in certain instances and under certain circumstances. Therefore, the 24-hour notification requirement does not apply when hospitals implement a disaster or mass casualty program or during a declared state of emergency or other local mass casualty situation.

The bill is constructive. The legislation makes Federal grants available for the next 5 years to qualified not-for-profit organizations to establish and operate a national next of kin registry. As a high-speed, electronic free search service, the voluntary registry would help hospitals and government agencies to locate family members of the injured, missing, and the deceased.

How would the registry work? Consider for a moment just one distressing, but relevant, scenario. Your loved one, say your spouse, is on a business trip. She is out of state and on her own. On the way, she is involved in a serious head-on collision. Unconscious and unable to communicate, she is rushed to the nearest hospital. Unbeknownst to you, your wife lay comatose, fighting for her life, miles from home.

Doctors and nurses work feverishly to provide emergency medical care to a patient who is only a name on the license; but to you, she is the love of your life. If the two of you had signed up for the next of kin registry, the hospital staff would be able to quickly notify you about your wife's critical condition. You could rush to be by her side, share critical medical history and information that could help save her life; hence, the bill is necessary.

It is not intended to frustrate the mission of hospitals, but rather to facilitate it. It is about notifying the right people at the right time in order to share the right information during an emergency. Using this crucial medical information while caring for a critically ill patient reduces the hospital's own liability. So, such notification is vital.

Not only is it important to have a family member present to comfort the patient, but also to make informed decisions that the patient can't make for him or herself and to provide the medical history that could very well be the difference between life and death.

So, Mr. Speaker, I hope that my colleagues will join me in supporting H.R. 2560—the Elaine Sullivan Act. It is a small but sensible measure designed to save lives and ease suffering. Mr. Speaker, we don't know when tragedy will strike. But, if it does, we should know that we would not be alone. This bill provides the assurance that our loved ones will be by our side.

SMART SECURITY

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

Ms. WOOLSEY. Mr. Speaker, in the first Presidential debate of the 2004 Presidential election, moderator Jim Lehrer asked the candidates what they believe is the single most serious threat to the national security of the United States. Without delay, Senator KERRY responded ''nuclear proliferation.'' When President Bush had the opportunity to respond, he agreed that nuclear nonproliferation is the biggest threat we face as a Nation.

If the President agrees that nuclear nonproliferation is such a grave and immediate threat, why does he and why does his administration continue to seek the creation of new nuclear weapons? Why does the President continue to seek funds to study the creation of the robust nuclear Earth penetrator, otherwise known as the ''bunker buster'' bomb? Why does this year's defense authorization bill continue this ridiculous trend by recommending a Department of Defense study about the possibility of creating the bunker buster?

Mr. Speaker, the stated purpose of the bunker buster is to destroy caves and difficult-to-reach terrorist hideouts, but the bunker buster is completely unnecessary. The United States military already is capable of bombing these remote locations, and they do not need to use nuclear weapons.

The bunker buster is also extremely dangerous. A detonation of this deadly weapon would create an enormous, uncontrollable explosion, spreading toxic, radioactive materials over a large area; and an explosion could cause the death of thousands of innocent civilians and devastate large tracts of lands.

How many times must we consider the merits or lack thereof of the bunker buster bomb? How many times must sensible nonproliferation priorities compete with a dangerous nuclear arms race?

To address the true security threats we face, I have introduced the SMART Security resolution, H. Con. Res. 158, with the support of 49 of my House colleagues. SMART is a Sensible, Multilateral American Response to Terrorism. It encourages renewed nonproliferation efforts over continued nuclear buildup.

SMART urges sufficient funding and support for nonproliferation efforts in countries that possess nuclear weapons and nuclear materials. One of the best ways to accomplish this goal is through CTR, the Cooperative Threat Reduction program. The Cooperative Threat Reduction program successfully works with Russia to dismantle and safeguard excess nuclear weapons and materials in the states of the former Soviet Union.

Under this program, more than 20,000 Russian scientists, formerly tasked with creating nuclear weapons, are now working to dismantle them. That is why SMART Security includes robust support for the current CTR model, including expanding the program to other nations such as Libya and Pakistan, nations that possess excess nuclear weapons and excess nuclear materials.

To promote these efforts, earlier today I introduced an amendment to the Defense authorization bill to expand CTR. My amendment would bring this important program to Libya and Pakistan, two countries that are known to possess nuclear materials.

We need to utilize our diplomatic relationships to encourage these two countries to give up their dangerous nuclear materials, and the best way to do so is through the Cooperative Threat Reduction program.

□ 2200

CTR is but one of the broad array of national security programs in SMART security and an effective one at that. But any attempt to rid the world of nuclear weapons must include nonproliferation efforts at home, in the United States. We must set an example for the rest of the world by fulfilling our international pledge to end our nuclear program and dismantle our existing weapons.

Mr. Speaker, continued efforts to study the feasibility of the bunker buster bomb are the very antithesis of these international commitments. When the United States engages in the proliferation of nuclear weapons, we lower the threshold and actually encourage other countries to proliferate with the possibility of actually using nuclear weapons. Instead, let us get smart.

Let us be smart about this issue and work both here at home and abroad to end the proliferation of any and all nuclear bombs. We owe this to our children and we owe this to their children.

CAFTA

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

Mr. BROWN of Ohio. Mr. Speaker, last year President Bush signed the Central American Free Trade Agreement, a one-sided plan to benefit multinational corporations at the expense of United States and Central American farmers, small businesses and workers. Every trade agreement negotiated by this administration has been ratified by Congress within 65 days, within about 2 months of the President's signing it. But CAFTA, the Central American Free Trade Agreement, has languished in Congress for 1 year without a vote because this wrong-headed trade agreement offends both Republicans and Democrats.

Just look at what has happened with our trade policy in the last dozen years. In 1992, the year I was first elected to Congress, we had in this country a trade deficit of $38 billion. That means that we imported $38 billion of goods more than we exported. $38 billion in 1992. Then NAFTA passed, the North American Free Trade Agreement, then permanent normal trade relations with China, then a whole 'nother series of trade agreements.

Last year, our trade deficit was $618 billion, from $38 billion to $618 billion in 12 short years.

Our trade policy clearly is bankrupt, clearly is not working for American workers, clearly is not working for our families, for our school systems, for our communities, and clearly is not working in the developing world for workers in those countries. It is the same old story.

Now the President is asking us to pass the Central American Free Trade Agreement. With each trade agreement that the President asks us to pass, the President and his allies promise stronger manufacturing in the United States, more jobs for Americans, more prosperity for the U.S. economy and for communities in this country and better wages for workers in developing countries. Yet with every single trade agreement, their promises fall by the wayside in favor of big business interests that send U.S. jobs overseas, that lock in low wages in the developing world and that exploit that cheap labor abroad.

Madness, Mr. Speaker, is repeating the same action over and over and over and expecting a different result. Again, look at this trade deficit. Look what has happened after 12 years of failed trade policies. From a $38 billion trade deficit to $618 billion. President Bush, Sr., said that for every $1 billion of trade deficits, that translates into 12,000 jobs. If you have a surplus of $1 billion, you have 12,000 extra jobs. If you have a deficit of $1 billion, you lose 12,000 jobs. We have a deficit of $618 billion. Do the math.

Mr. Speaker, what has happened with this trade deficit shows in this map. These red States are States which have lost, in just a 5-year period, 6-year period, more than 20 percent of their manufacturing. Michigan, 210,000 jobs. Illinois, 224,000 jobs lost. My State, the State of the gentleman from Ohio (Mr. RYAN), 216,000 jobs. The State of the gentleman from Connecticut (Mr. LARSON), 50,000 jobs. The State of the gentleman from California (Mr. FILNER) and the gentlewoman from California (Ms. LEE), 353,000 jobs. The State of the gentleman from Illinois (Mr. DAVIS), 224,000. Hundreds of thousands of jobs lost with this trade policy, with this kind of export trade policy, import trade policy, where trade deficits continue to grow and grow and grow.

That is why, Mr. Speaker, in the face of this growing bipartisan opposition, the administration, the Republican leadership has tried every trick in the book to pass CAFTA. They cannot argue our trade policy is working when you see this kind of manufacturing job loss.

So what they do, they first try to link CAFTA with helping democracy in the developing world and they say, CAFTA will help us fight the war on terror. Ten years of NAFTA, 10 years of CAFTA's dysfunctional cousin NAFTA, have done nothing to improve border security with Mexico, so that argument does not sell.

Then, 2 weeks ago, the United States Chamber of Commerce flew on a junket the six presidents from the CAFTA countries around our country, hoping they would sell CAFTA to the American people and to the Congress and to the American media. They flew them to Albuquerque and Los Angeles. They flew them to Cincinnati, Ohio, in my State and New York and Miami. Again, they failed.

At the end of this trip, one of the presidents, the Costa Rican president said, Hey, my country is not ratifying CAFTA unless an independent commission would show that it would not hurt working families and the poor in my country of Costa Rica. So that is not working.

Calling out that we have got to do something about the war on terror and that is why we are doing this agreement, that did not work. Bringing the Central American presidents to the United States, that did not work.

So what is next? The Republican leadership is opening the bank. They are making deals. To my friends on that side of the aisle, they are promising bridges, they are promising highways, they are promising some of the sleaziest deals this Congress has ever seen. They are basically buying votes in this Congress in order to pass the Central American Free Trade Agreement. We saw it in 2002 with fast track authority when the President opened the bank and bought votes then. We are not going to stand for it this time.

Mr. Speaker, what really makes sense instead is a trade policy that lifts workers up in rich and poor countries alike while it is respecting human rights. The United States with its unrivaled purchasing power and its enormous economic clout is in a unique position to help empower poor workers in developing countries while promoting prosperity at home.

Vote ''no'' on CAFTA. Renegotiate a better agreement.

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.)

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

(Mr. POE 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 Illinois (Mr. EMANUEL) is recognized for 5 minutes.

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

EXCHANGE OF SPECIAL ORDER TIME

Mr. FILNER. Mr. Speaker, I ask unanimous consent to take the time of

the gentleman from Illinois (Mr. EMANUEL).

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

There was no objection.

PREPARE TOMORROW'S PARENTS

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

Mr. FILNER. Mr. Speaker, I rise today to speak about the fourth national Prepare Tomorrow's Parents Month, the month between Mother's Day and Father's Day. This month is a time for teachers, parents and youth group leaders nationwide to promote parenting education and relationship skills classes for all young people.

Prepare Tomorrow's Parents Month is being sponsored by a national nonprofit organization formed in 1995 called Prepare Tomorrow's Parents. Suzy Garfinkle Chevrier, founder and president of Prepare Tomorrow's Parents, says, ''Parenting is not a hobby. It is the most important work most of us will ever do. Let's not leave our grandchildren's future to chance.''

Is it not strange, Mr. Speaker, that one of the most important and difficult skills, raising children, goes untaught? Learning parenting skills is vital because the early experiences of children's lives impact their potential for learning and for mental health. We need to create better parents because neglected or abused children are especially prone to perpetuate this cycle when they become adults without resources for healthy parenting.

An alarming number of children are at risk of being abused, neglected or otherwise poorly nurtured by inadequately prepared or nonsupportive parents. Inadequate parenting can contribute to teen pregnancy, depression, addictions, academic failure, delinquency and, later, criminal behavior.

I imagine that the vast majority of adults in the United States believe that parenting and relationship skills should be taught. Yet few students now receive this instruction. School-based parenting education programs can help to prevent future child abuse and work to build healthy children by developing an understanding of child development in future parents and by providing parenting skills such as empathy, listening, problem solving and critical thinking. Regardless of how much detail the young people remember from their classes by the time they become parents, the instruction gives them a deep sense of the reality of parenting, of the sacrifices and demands as well as the joys. Prepare Tomorrow's Parents is a group working towards a society in which every child is well-nurtured and parenting is valued and undertaken by prepared adults.

Parenting education for students is being taught successfully in many schools around the Nation, primarily through family and consumer science classes, but not enough young people, especially boys, participate in these elective courses. Expanding and requiring these classes will save many more current and future families much heartache. It will help us to help our young people succeed at being parents that will make them, their children and their parents happy, productive and proud.

Finally, establishing parent education classes honors the work of mothers and fathers by teaching our young people what a complex effort it takes to raise a child. As well as learning new skills, they will begin to appreciate more and more the care they have received from their parents.

Mr. Speaker, I thank Prepare Tomorrow's Parents for sponsoring Prepare Tomorrow's Parents Month.

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

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

The SPEAKER pro tempore. Under a previous order of the House, Ms. JACKSON-LEE of Texas is recognized for 5 minutes.

(Ms. JACKSON-LEE of Texas addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

JUDICIAL APPOINTMENTS

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

Ms. LEE. Mr. Speaker, tonight I rise truly disappointed at the decision of my colleagues in the other body to negotiate this lose-lose situation for minority and civil rights.

While I appreciate and understand my Senate colleagues and their desire to preserve the Senate tradition and to avoid the nuclear option which their leadership unfortunately threatened to use, I join with Senator FEINGOLD, Chairman WATT and members of the Congressional Black Caucus in saying tonight that the deal that was brokered was a bad one for the American people. In the words of the Congressional Black Caucus today, we said that, one, we strongly oppose the deal that trades judges who oppose our civil rights for a temporary filibuster cease-fire.

This deal is more of a capitulation than a compromise. In fact, one of our Republican friends in the other body stated that she thinks that this deal really does help advance the goal of their majority leader.

This deal allows the right to filibuster only in extraordinary circumstances. There is no question in my mind that the judicial extremism of Janice Rogers Brown, Priscilla Owen and William Pryor constitute extraordinary circumstances. Nonetheless, the right to filibuster their nominations has been given away. I know that when it comes time to vote on their confirmation, Americans are going to be looking to Senators in both parties to reject them based on their extremist views.

The question I have about this deal is, who will really define what constitutes ''extraordinary circumstances''? I believe this deal weakens the filibuster and the principles of dissent and minority rights that it was designed to safeguard. As a minority, as a woman, as a Californian and as an American, the nomination of Janice Rogers Brown to the United States Court of Appeals for the D.C. Circuit is nothing short of an extraordinary circumstance.

The American public needs to understand that we are not bickering here about peanuts. The U.S. Court of Appeals for the District of Columbia Circuit is widely regarded as the second most important court in America, second only to the United States Supreme Court. The court is a stepping stone to the United States Supreme Court. The D.C. Circuit has produced more justices to the Supreme Court than any other circuit court. For the rest of their lives, these judges have the potential to implement policies that affect all of us, not 52 percent or 48 percent, but 100 percent of the American public.

Let us look for a minute at Judge Brown's record. First, she authored an opinion that effectively ended meaningful affirmative action in California. Her opinion was severely criticized both on and off the court for its harsh rhetoric and its suggestion that affirmative action resembled racist and segregationist laws that predated landmark civil rights laws.

She has praised turn-of-the-century U.S. Supreme Court cases declaring maximum hour laws to be unconstitutional and called the decision reversing course and protecting workers the ''triumph of our own socialist revolution.'' I could go on and on about her judicial record, and I hope people take a good look at her record. If this does not constitute extraordinary circumstances, I do not know what will.

Let us look at Justice Pryor's record for just a minute whose nomination was given away in terms of the right to filibuster. Alabama Attorney General William Pryor, nominated for the 11th Circuit, has sought repeal of a critical section of the Voting Rights Act that has proved highly successful in overcoming the historical denial of the right to vote for African Americans.

□ 2215

He also believes that some rights now protected by the Constitution should be regarded as ''social disputes'' that would reduce rights that protect minority views to majority votes in the States. As an African American, again,

I believe that his nomination constitutes an extreme circumstance, an extraordinarily extreme circumstance; yet there can be no filibuster based upon this deal that was negotiated. His view that the eighth amendment protection against cruel and unusual punishment does not bar certain inhumane treatment of prison inmates, and this was repudiated by the United States Supreme Court. Again, I believe this is an extraordinary circumstance which again was negotiated away.

The same thing, I hope people look at Justice Owen once again. She was nominated for the fifth circuit. She is known for her dissents opposing women's rights and reproductive rights and favoring corporate interests against consumers and workers.

Mr. Speaker, we are not talking about nominees with a record of impartiality and informed reflection when making decisions. These are administration choices who were nominated, nominated under the threat of a filibuster. Heaven knows whom the administration will nominate now that that threat is gone.

The American public needs to understand that this entire process, the entire process, just threatening the nuclear option, is an abuse of power. It was designed to water down our constitutional systems of checks and balances and to turn the Congress into a rubber stamp for the President.

So I appeal to my colleagues in the other body to uphold our constitutional system of checks and balances and to at least vote against these extreme nominees that are coming forward. Extraordinary circumstance, I ask the Members, what constitutes an extraordinary circumstance when we look at nominees who affect the decisions that affect our daily lives, our children's lives?

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

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

CHRONIC FATIGUE AND IMMUNE DYSFUNCTION SYNDROME

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

Mr. DAVIS of Illinois. Mr. Speaker, over 800,000 Americans have chronic fatigue syndrome, CFS, also known as chronic fatigue and immune dysfunction syndrome, or CFIDS. This is a complex and debilitating medical disorder characterized by profound exhaustion, intense widespread pain, and severe problems with memory and concentration. It usually lasts for years; and recovery, in the few cases where that occurs, is slow and unpredictable. Because the symptoms of CFS are common to other conditions and no diagnostic tests exist, it is often overlooked by health care providers. In fact, government studies show that only 15 percent of those who have CFS have been diagnosed by their doctor. It is even more difficult for CFS patients to get appropriate symptomatic treatment or to obtain disability benefits if they become too disabled to work.

The cause of CFS is not yet known. Much of what we do know about CFS has been documented by researchers funded by the National Institutes of Health and the U.S. Centers for Disease Control and Prevention. Here are some facts: women age 30 to 50 are at greatest risk for developing CFS, and Latinos and African Americans are at greater risk for CFS than Caucasians or Asians. Children can get CFS too, although it is more common in teens than younger children. The condition may begin suddenly as with the flu, or it may build gradually over time. Physical or mental exertion makes symptoms significantly worse.

Individuals with CFS are severely impacted by the disease; and according to the CDC studies, their functional status is the same as or worse than those suffering from obstructive pulmonary disease, osteoarthritis, and coronary heart disease. People with CFS often lose the ability to maintain full-time employment, attend school, and participate fully in family life. Symptomatic treatment can provide some improved quality of life, but is generally inadequate in helping patients return to normal activity levels. The Nation's economy is also seriously affected. The annual direct cost of lost productivity due to CFS is $9.1 billion, an amount equivalent to our largest corporations' annual profits. This sum does not include medical costs or disability benefits.

There is hope, though. The Department of Health and Human Services has chartered a CFS Advisory Committee that meets quarterly to advise the Secretary for Health on research and on education policy as it relates to CFS. The CDC is conducting promising research that may lead to a diagnostic test. Other researchers are following important leads that may improve treatment and deepen understanding of the way CFS affects various body systems. However, in fiscal year 2004, just $15 million was spent by the Federal Government to conduct research on this devastating illness.

CFS consistently ranks at the bottom of the NIH funding charts; and even during the period when Congress was doubling the NIH budget, support for CFS research declined. A June 2003 commitment by NIH Deputy Director Vivian Pinn to issue a request for applications for CFS has not been fulfilled. The Secretary for Health has not yet acted on a set of 11 recommendations delivered by the CFS Advisory Committee on August 23, 2004.

Many challenges remain, and more Federal funding is needed to answer basic questions. CFS warrants the support of this Congress, and we must find a way to do more for the hundreds of thousands of Americans affected by this serious illness.

HONORING FALLEN SOLDIER LANCE CORPORAL LAWRENCE R. PHILIPPON AND THE STRENGTH OF HIS FAMILY

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

Mr. LARSON of Connecticut. Mr. Speaker, I rise to speak of the inspiration and strength of Ray and Leesa Philippon and their family in confronting the ultimate sacrifice, the loss of their son Lance Corporal Lawrence R. Philippon, who on Mother's Day, May 8, tragically lost his life while serving his country in Iraq. In 2002 Lance Corporal Philippon answered his country's call to service and joined the United States Marine Corps. Again stepping forward for his country, Lance Corporal Philippon came up and gave up his position with the Washington, D.C. Color Guard to become an infantryman with the 3rd Battalion Second Marines deployed to Al Qaim, Iraq.

In the eulogy, Ray Philippon spoke of his son's courage, his ability to overcome life's obstacles, his Forrest Gump-like philosophical manner in dealing with life. He was proud of his family, his fidelity to the Marine Corps, his commanders, his President. He was 22 years old.

Ray Philippon; his daughter, Emilee; and Olivia Lawrence, Larry's fiancee, spoke eloquently and emotionally. How this father, a veteran himself, found the strength and composure to deliver a compelling, humorous, and heartfelt tribute to his son is among the remarkable traits of the human character. He transcended his pain and heartache and credited his strength as coming from his son. He capped his comments with a final salute to his son that left no dry eye in the church.

Reverend Miller quoted Scripture and the New Testament, repeating the refrain: ''No greater love can a man have than to lay down his life for his friends.''

Governor Rell rose and spoke tearfully and with empathy as both a mother and the State's chief executive. Her heartfelt response, her grace veiled only by her tears of motherly sympathy, were equally moving.

As we all pause this Memorial Day to honor the fallen, our hearts are filled with gratitude for those brave soldiers, like Lance Corporal Philippon, who have laid down their lives for their country but also for their families who gave their sons and daughters to military service. In honor of those soldiers and families, I hereby submit for the RECORD his mother's farewell, a letter Leesa Philippon composed on Mother's Day, the day she learned of her son's death. This letter's sincerity, love, and

implicit truth comes shining through as radiant and bright as her love for her son. I hereby submit this letter for the RECORD, which reads:

''My Dear Sweet Boy Larry, I know how busy you were on Mother's Day. Your commanding officer's message apologized that mothers may not get a call on their special day. I knew that if you could find a way, you would call. Your voice always calmed my fears. The day passed, and, again, I prayed for your safe return home. I detailed my prayers, trying to think of every danger you might encounter. No IEDs, no enemy mortars, no friendly fire, no disease. And, God, please bring Larry home safe, unharmed and of sound mind and body. But then they came, two Marines marching to my door, carrying a cross that was so very painful to bear.

''Larry, you played such a huge part in our lives. You were a Guidon bearer and team leader all along. You marched through our lives and led us to wonderful places. You imprinted your love on our hearts. It was a joy to watch you grow and play. We laughed endlessly at your antics on and off fields of grass and ice. You led us on an incredible patriotic journey with your badge of courage. We anxiously waited those 13 long weeks of boot camp to pass and we would be able to hold you in our arms again. You conquered Infantry school and you called home every day, keeping us informed from foxholes, rifle ranges, and even bars. I will never forget answering the phone and hearing my 21-year-old son say 'Hi, Mommy.' Your daily calls home meant so much to me.

''Marching on, you paraded us through our Nation's capital. You impressed us with your precision and pride. You walked in the sunshine all the way. We watched you soar even higher the day that you waltzed Olivia into our life. She fit so well into our plans, and I knew she would take good care of you. I was happy to share you with her. Then your dream to deploy came true and our hearts with dread. Oh, Larry, how thankful I was to go and see you before you left. That time I spent with you is so precious to me. You introduced me to your Marines. You were always mindful to ask them to curtail their leatherneck language in front of your mom, saying to them, 'Hey, this is my mom. Watch your mouth.'

''Then it came time to say good-bye. I prayed, and God graced me with calmness so that I could look you in the eyes. Without a quiver in my voice, I opened my heart and told you how deeply I loved you, how happy I was to be your mother and that I would see you when you came home. Olivia and I stood side by side. We held each other up as we watched the buses filled with courageous and brave Marines drive away. You'll be happy to know that Olivia picked up that Guidon and has called me every day. Oh, dear Larry, no one will ever fill your magic shoes. So many people loved you. It is so evident in these past days. Our home has been filled with love from family, friends, community, and even those we never met. You will continue to guide us into the future of your family. We must regroup and, as we learned entering the Marine Corps, 'adapt and overcome; we thank God for your presence in all our lives. He is working so faithfully to turn the evil that took you away from us into everlasting love. Your flag will continue to wave in our hearts. We proudly stand and watch you lead your fallen comrades to the Gates of Heaven.

''Look for me when I get there, and we will walk hand in hand together again.

''Semper Fi, love always, Mom.''

TRICARE COVERAGE TO GUARD AND RESERVE

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

Mr. TAYLOR of Mississippi. Mr. Speaker, I cannot help but be moved by what the gentleman from Connecticut (Mr. LARSON) just had to say. It seems with all too much frequency, on a daily basis, either in the local media, the national media, we are learning of young Marines, young National Guardsmen, young members of the Army and Navy who have given their lives in Iraq.

Right now, 40 percent of all the force in Iraq and Afghanistan are Guardsmen or Reservists. That is something that is very different from previous wars. In fact, in the Vietnam War, very few Guardsmen and Reservists were sent over there. In the first Gulf War, there was a substantial call-up. But I do not think at any time in our Nation's recent history have we ever seen so many Guardsmen and Reservists serving. If Members take the time to look at the casualty reports, they will know that not only are 40 percent of the people serving over there Guardsmen and Reservists, but a very high new number of the people who are wounded, a very high number of the people who lose their lives are in the Guard and Reserve.

Last Friday I had the great privilege to visit some Mississippians at Walter Reed. I asked the folks on the floor if I could visit every wounded Mississippian. It might surprise some people to find out of the five soldiers that I was able to visit, every one of them was a Guardsmen or Reservist.

□ 2230

Young William Brooks, a student at Mississippi State University, in a Humvee that ran over a mine, lost both legs. Young Corporal Rice, of Hattiesburg, Mississippi, lost a leg with the Marine Corps Reserve. Specialist Yancy, a reservist in the heating and air conditioning business back home. Young Elliot Smith, who lost a foot with the 115th Mississippi National Guard.

The stories go on. It is not unique to Mississippi. But what is I think a unique burden that is borne by our Guardsmen and Reservists is that unlike their regular counterparts that they serve next to every day, they are not afforded an opportunity to buy into our Nation's health care system.

It is called TRICARE, and it is not free. They do have to pay into the system. They have to pay even more if they want their family covered. But right now, if you are a Guardsman or Reservist, you cannot even buy in. One of the things we found out is that 20 percent of all our Nation's Guardsmen and Reservists do not have health insurance. Twenty percent of our Nation's Guardsmen and Reservists also, coincidentally, were found unfit for duty when they were called up, and it might well be because of this lack of health insurance.

Last week in the House Committee on Armed Services I offered an amendment, along with seven of my Republican colleagues and a number of Democrats, to see to it that TRICARE was extended to every Guardsman and Reservist, not just those returning from Iraq and Afghanistan.

After a spirited debate and over, by the way the objections of the committee chairman, the ranking member, the gentleman from New York (Mr. MCHUGH), by a vote of 32 to 30, the committee decided to extend TRICARE coverage to every single member of our Nation's Guard and Reserve, because we felt like they deserved it.

Sometime between 1 o'clock in the morning when this passed and 6 o'clock Thursday evening, the gentleman from California (Chairman HUNTER) informed me right there in the back of the room that there was a budgetary concern about this, that there was some mandatory spending associated with the bill, that the gentleman from Iowa (Chairman NUSSLE) of the Committee on the Budget was going to raise a point of order.

I would like to remind my colleagues that on 21 occasions already this year, 21 major pieces of legislation came to this floor where they waived every budgetary restraint. Sometimes it was so people like Paris Hilton could inherit tens if not hundreds of millions of dollars without paying any taxes on it. Sometimes it was for things like the prescription drug benefit for seniors, that we were told at the time would cost our Nation $435 billion, but it turns out it is really going to cost $1.2 trillion over the next 10 years. But they waived budgetary rules for that.

The one time they selectively chose to enforce the budgetary rules was over $5 million for a very narrow bracket of National Guardsmen who happen to be Federal employees who are already on FEHBP and who might want to enroll in TRICARE. So the same folks who in the past 4 years have added over $2 trillion to the national debt, giving the wealthiest Americans, the political contributor class of America, enormous

tax breaks, decided that these folks who are serving in Iraq and Afghanistan, that they do not deserve the opportunity to buy their health care coverage. I think that is wrong.

I went to the Committee on Rules tonight, and as we speak the Committee on Rules is going to vote on this. But I would like to remind the Committee on Rules that since last Thursday, the Reserve Officers Association of the United States, the Military Officer's Association of America, the Adjutants General Association of the United States, which is the Adjutant General of every single State, EANGUS, the National Guard Association, they all have come out in support of this amendment, and I will include their letters of support for the RECORD.

Mr. Speaker, I am putting the Committee on Rules on notice that it is my intention to offer the motion to recommit should this amendment not be made in order, and that I think it is most appropriate that this amendment that has already passed the House Committee on Armed Services be voted on by every Member of this House.

RESERVE OFFICERS
ASSOCIATION OF THE UNITED STATES,
Washington, DC, May 24, 2005.

Hon. GENE TAYLOR,
Rayburn House Office Building,
Washington, DC.

DEAR REPRESENTATIVE TAYLOR, I am writing to confirm the support of the Reserve Officers Association of the important amendment to the FY 2006 National Defense Authorization Act that you would like to bring to the House floor.

ROA agrees that TRICARE Reserve Select should be extended to the drilling population on a cost-share basis. Mobilization should not be the physical qualification test to achieve medical readiness, as it puts the cart before the horse.

The governments own studies have shown that between 20 to 25 percent of our Guardsmen and Reservists are without health care coverage. Medical readiness is our number one challenge when Reserve Components are mobilized.

A Reservist is required to meet the same health and physical fitness standard as is an Active-duty member. Yet Reservists are the only part-time federal employee not offered health care coverage.

Better health care benefits will help our recruiting, readiness and retention efforts. Providing TRICARE health will help persuade spouses that the Guard and Reserve is a career and not just a job.

The Reserve Officers Association with its 75 thousand members thanks you for your support. With the Guard and Reserves providing 40 percent of the deployed forces, seeking parity of benefits is a national security issue.

Sincerely,
ROBERT A. MCINTOSH,
Major General, USAFR (Retired),
Executive Director.

MILITARY OFFICERS,
ASSOCIATION OF AMERICA,
Alexandria, VA, May 23, 2005.

Hon. DAVID DREIER,
Chairman, Committee on Rules, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the 370,000 members of the Military Officers Association of America (MOAA), I am writing to urge you to support—or at least not to oppose—an amendment that Reps. Gene Taylor and Joe Wilson will offer to the FY2006 Defense Authorization Act that would extend TRICARE coverage eligibility to all members of the Selected Reserve who are not eligible for the Federal Employees Health Program (FEHBP).

A broader amendment was approved by the Armed Services Committee, but the Congressional Budget Office identified a potential mandatory spending problem because certain members also are eligible for FEHBP. The proposed Taylor-Wilson amendment will resolve this problem by excluding FEHBP enrollees from eligibility for the Reserve TRICARE program, since they already have access to federal health coverage.

MOAA believes strongly that it is essential to extend health care eligibility to all Selected Reserve members. These members make up 40 percent of our deployed forces, and the Guard and Reserve already are experiencing recruiting and retention difficulties.

State National Guard leaders have consistently told us that extending health coverage to all of these members is one of the most important things we can do to improve recruiting and retention. It is essential to ensure all Guard and Reserve families have access to quality health care and to preserve continuity of health coverage, regardless of the member's mobilization status.

I urge you to help facilitate this important initiative for the Guard and Reserve members and families who are bearing such a large and disproportional share of national sacrifice in the war on terrorism.

Sincerely,
STEVEN P. STROBRIDGE,
Colonel, USAF (Ret),
Director, Government Relations.

ADJUTANTS GENERAL ASSOCIATION
OF THE UNITED STATES
Washington, DC, May 23, 2005.

Hon. GENE TAYLOR,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE TAYLOR: I am writing to advise that the Adjutants General Association of the United States (AGAUS) wholeheartedly endorses your amendment to the 2006 National Defense Authorization Act which will provide full TRICARE benefits to all National Guard and Reserve members. The AGAUS met in Omaha, Nebraska on May 20, 2005 and voted overwhelmingly to endorse the Taylor/Wilson amendment. The Adjutants General from the fifty states and four territories make up the AGAUS. All were represented in Omaho. The discussion and vote were resoundlingly supportive.

We believe it to be in the best interests of our nation to provide full TRICARE benefits to all National Guard and Reserve members. Full time military technicians and Active Guard/Reserve (AGR) members already receive full medical benefits through existing programs or TRICARE. However, the traditional force does not have this option completely. The TRICARE Reserve Select program recently enacted is a welcome and appreciated step. However, your amendment is necessary to ensure reserve component members are always able to report ''ready for duty.'' Many will not require the benefit because they have coverage through their civilian employment. This will mitigate some of the concerns over the cost of program.

Our National Guard and Reserve members are fighting along side active duty forces to defeat terrorism. They and their families should have the ability to share in medical benefits. On behalf of the AGAUS thank you for realizing this and so proactively working to achieve the equity our members and families deserve.

ROGER P. LEMPKE,
Major General, ANG,
President, AGAUS.

ENLISTED ASSOCIATION OF THE NATIONAL GUARD OF THE UNITED STATES,
Alexandria, VA, May 23, 2005.

Re H.R. 1815 National Defense Authorization Act of 2006 Rule.

Hon. DAVID DREIER,
Chairman, House Committee on Rules, Capitol Building, Washington, DC.

DEAR CONGRESSMAN DREIER: I am writing on behalf of 45,000 members of the Enlisted Association of the National Guard (EANGUS). We urge you to adopt a Rule making in order the amendment to be offered from Congressman Gene Taylor that would allow cost-share access to TRICARE for eligible members of the National Guard and Reserves.

Since September 11, 2001, over 400,000 members of the reserve component have been deployed. While we appreciate the enhancements to TRICARE included in the committee bill (H.R. 1815), they will not address the issues of medical readiness and continuity of care for members of the reserve component. The availability of health insurance has a direct affect on a service member's access to healthcare, health status, job decisions and financial security.

There is considerable bipartisan support for cost-share access to TRICARE for all members of the National Guard and Reserves, regardless of status. In the past two years, the Senate Armed Services Committee (SASC) has included a provision in their version of the Defense Authorization bill that provided cost-share access to TRICARE.

The House Committee on Armed Services passed an amendment that would provide TRICARE to all National Guard and Reserve members by a vote of 32–30. We understand that the amendment was stricken by the Chairman of the committee due to budgetary implications. The new amendment that will be offered by Congressman Taylor will address those issues.

We believe this issue deserves full consideration by every member of the House of Representatives. Therefore we urge you to adopt a Rule making in order the Taylor amendment allowing cost-share access to TRICARE for eligible members of the reserve component.

Working for America's Best!
MICHAEL P. CLINE
MSG (Ret), AUS,
Executive Director.

NATIONAL GUARD ASSOCIATION
OF THE UNITED STATES, INC.,
Washington DC, May 23, 2005.

Hon. DAVID DREIER,
Chairman, House Committee on Rules, Capitol Building, Washington, DC.

DEAR CHAIRMAN DREIER: Late last week, thirty-one members of the House Armed Services Committee voted to pass an amendment which would provide access to health care, on a cost-share basis, to members of the National Guard. Subsequently, Chairman Hunter struck the amendment from the bill based on potential budgetary implications which violated the rules.

I am writing on behalf of the men and women of the National Guard Association of the United States to urge you to create a rule which would allow such a measure to be included in the National Defense Authorization Bill.

Just like the Minutemen at Concord and Lexington, today's citizen-soldiers have left

their homes, families, and careers to take up the fight. When they are called to duty, they must arrive physically fit for duty. Yet, many do not have access to basic health care. We consider it a key readiness issue that soldiers and airmen have access to health care so that they are ready for duty when called. Other part time Federal employees have the option of buying into a government sponsored health plan. We believe our soldiers and airmen deserve no less.

Congressman Gene Taylor plans to offer a revised amendment to the Authorization Bill which would allow members of the National Guard access to the military healthcare system, on a cost-share basis. We strongly urge your committee to pass a rule which would make consideration of this amendment possible.

Thank you very much for your kind consideration.

Sincerely,

STEPHEN M. KOPER,
Brig. Gen. (Ret.), USAF,
President.

NATIONAL GUARD ASSOCIATION
OF THE UNITED STATES, INC.,
Washington, DC, May 23, 2005.

Hon. GENE TAYLOR,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE TAYLOR: I am writing to thank you for your efforts on behalf of the 450,000 members of the National Guard who so desperately need the opportunity to access health care for themselves and their families.

As recently as May 17, 2005, the National Guard Association of the United States testified before the Defense Subcommittee of the Senate Appropriations Committee on this critical issue. We said in part:

''This committee is well versed in the contributions being made by members of the National Guard in operations in Iraq, Afghanistan and the Global War on Terror. As the Secretary of Defense has said repeatedly, ''The War on Terror could not be fought without the National Guard''. Battles would not be won, peace would not be kept and sorties would not be flown without the citizen soldier and citizen airman. We are asking on their behalf for the resources necessary to allow them to continue to serve the nation.

''At the top of that list of resources is access to health care. The National Guard Association believes every member of the National Guard should have the ability to access TRlCARE coverage, on a cost-share basis, regardless of duty status.

''While we are encouraged by the establishment of TRICARE Reserve Select, which is a program where members ''earn'' medical coverage through deployments, we don't believe it goes far enough. Healthcare coverage for our members is a readiness issue. If the Department of Defense expects Guard members to maintain medical readiness, then it follows that they should also have access to healthcare. As you know, when a National Guardsman is called to full time duty, he or she is expected to report ''ready for duty''. Yet, studies show that a significant percentage of our members do not have access to healthcare. Making TRICARE available to all members of the National Guard, on a cost-share basis, would provide a solution to this problem. And, it would finally end the turbulence visited on soldiers and their families who are forced to transition from one healthcare coverage to another each time they answer the nation's call.

''In addition to addressing readiness concerns, access to TRICARE would also be a strong recruitment and retention incentive. In an increasingly challenging recruiting/retention environment, TRICARE could make a significant difference. Part-time civilian federal employees are eligible to participate in federal health insurance programs. NGAUS believes that National Guard members should receive, at a minimum, the opportunity afforded other federal part-time employees.''

We have worked diligently for the last five years to secure legislation that would provide the healthcare access that you propose. You have our unwavering support in this endeavor and the thanks of Guard and Reserve members and their families across the country. Please continue your effort on their behalf.

Sincerely,

STEPHEN M. KOPER,
Brigadier General (Ret), USAF,
President.

APPROVAL RATE OF CONGRESS AT LOWEST POINT IN 10 YEARS

The SPEAKER pro tempore (Mr. WESTMORELAND). Under the Speaker's announced policy of January 4, 2005, the gentleman from New Jersey (Mr. PALLONE) is recognized for half the remaining time until midnight as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, as we prepare to return to our districts for the Memorial Day work period, I think it is important for us to take a look at where we are today and how exactly we got here in the Congress. I think, for the most part, and certainly a lot of recent polls indicate it, the American people are fed up with the Congress, that the approval rate of Congress is at its lowest point in 10 years, and it leads me to wonder how did we get to this place? I think we have to take a look back at the first 5 months of the 109th Congress this year to get some answers.

Earlier this year, the Republican leadership went ahead and changed the way the Committee on Standards of Official Conduct does its business. In the past, whenever ethics changes were being considered, they were addressed in a bipartisan fashion with both Democrats and Republicans at the table, and that is the only way ethics reform can honestly be addressed. But the Republican leadership ignored that protocol and strong-armed enough of their Members to pass new and weakened ethics rules, without any support from our Democratic colleagues.

Mr. Speaker, I think the American people understood that these new ethics rules were basically a blatant attempt by the majority to protect one of their Republican leaders. These new rules allowed either party, Democrat or Republican, to protect its own Members. Under the new Republican rules, if a majority of the committee could not determine whether or not an investigation should proceed after 45-days of receiving a complaint, that complaint would simply be dropped. Since the Committee on Standards of Official Conduct is made up of five members from each party, either side could prevent an ethics investigation from moving forward against one of its Members.

That is not the way the Committee on Standards of Official Conduct is supposed to work. Under the old bipartisan rules, which have now been restored, an investigative committee was created after a 45-day deadline if a majority of the committee could not determine how to proceed.

The weakened ethics rules by House Republicans did not fool anybody, certainly not the editorial writers around the country, both liberal and conservative. They followed the House proceedings closely and they were essentially fed up with the new Republican rules.

I will just give you some examples. The conservative Chicago Tribune said, ''How do House Republicans respond to ethical lapses? By trying to bury them.''

The Hartford Current wrote, ''The committee has been careening towards ethical oblivion in recent years as the majority Republicans have relaxed the standards, eased up on investigations and created trap doors through which alleged transgressors could escape.''

Finally I cite the Sarasota Herald Tribune, which wrote, ''If the GOP's leaders in Congress continue to change the rules to protect one of their own, they will have ceded the ethical high ground they pledged to take in 1994.''

Again, this is what I call the Republican abuse of power, and it is a major reason why people have lost faith in Congress and why Congress is at a 10-year low in terms of people's support or feelings about the institution.

But the Republican leadership did not just stop at weakening the Committee on Standards of Official Conduct rules. No, the leadership also purged three Republican members of the Committee on Standards of Official Conduct earlier this year, three members who ruled against a Republican leader the previous year.

After losing his chairmanship on the Committee on Standards of Official Conduct, the Republican gentleman from Colorado (Mr. HEFLEY) told the Washington Post that there is ''a bad perception out there that there was a purge in the Ethics Committee and that people were put in that would protect our side of the aisle better than I did.''

He continues, ''Nobody should be there to protect anybody. They should be there to protect the integrity of the institution.''

Mr. Speaker, it took congressional Republicans nearly 4 months to finally listen to their former ethics chairman and the media. But, fortunately, in the end they did restore the old bipartisan ethics rules. The gentleman from Colorado (Mr. HEFLEY) was clearly right, the integrity of the House is much more important than any one Member, and I think it is time the Republican leadership learn that lesson, not only on that Committee on Standards of Official Conduct issue but in general.

The abuses of power by the Republican majority really make you wonder why they are necessary now. It seems clear to me that the Republican leadership went to all this trouble to protect

one of its leaders. The Wall Street Journal charged ''there is an odor, an unsavory whiff at the highest reaches of the House of Representatives.'' Every single day it seems the Members of this body and the American people are subjected to another revelation of questionable actions by one of our colleagues. It is a constant drip that is getting close to a large puddle.

Fortunately, as I said, the American people were not fooled by this abuse of power by the Republican majority with the ethics process. They saw the new rules for what they were, nothing more than an attempt to protect a powerful Republican leader, and finally, after media and public outcry became too much for the Republican majority to endure, Republicans agreed to reinstitute the old bipartisan ethics rules.

However, it is important to remember that had the public been indifferent and had the Democrats on the Committee on Standards of Official Conduct gone ahead and allowed the committee to organize under the weakened rules, today this House would be structured under ethics rules that would allow either side, Democrat or Republican, to shield its Members from scrutiny.

Mr. Speaker, the Republican ethics reversal was good for this institution and good for the American people.

Now, there are still a lot of questions remaining about what the Republican majority is doing with the Committee on Standards of Official Conduct. Despite the majority's change of heart on weakening the ethics rules, there are still several areas where the Republican leadership is continuing to delay any action by the Committee on Standards of Official Conduct.

The new chairman of the Committee on Standards of Official Conduct has said that he wants to appoint his chief of staff from his personal office to be the new staff director of the Committee on Standards of Official Conduct. This action would defy House rules, which state that Committee on Standards of Official Conduct staffers are to be nonpartisan.

It is inconceivable that the rules would allow the chairman to unilaterally appoint a chief counsel without immediately running afoul of the rules. Trying to do so would be a clear violation of the rules, as well as an affront to the committee's tradition.

The Committee on Standards of Official Conduct is supposed to be a place where Members can get straight, unbiased, trustworthy ethics guidance. How can Members who might have disagreements with the House leadership feel comfortable going to the committee for advice if they fear committee staff members are incapable of performing their official duties in a nonpartisan fashion?

My point is that the Committee on Standards of Official Conduct should be a politics-free zone. One way to ensure politics stops at the committee doors is to hire staff whose first loyalty is to the ethics rules of the House and second loyalty is in equal measure to the chairman, ranking member and remaining members of the committee. If committee staff are perceived as being loyal to or owing their position to only one member of the committee, their ability to render advice and investigate sensitive ethics issues will be called into question.

I would say once again, Mr. Speaker, the American public see the games the Republican leadership is playing with the Committee on Standards of Official Conduct and they simply do not like it. They would rather see this committee go back to work in a bipartisan fashion, and now, so the Congress can address their concerns.

Now I want to go from the one issue of abuse of power here in the House related to the Committee on Standards of Official Conduct to the other outrageous abuse of power in the other body, in the Senate, and this relates, of course, to the Senate filibuster.

Senate Republicans have spent much of the last 4 months fixating on seven extreme judges President Bush once again sent up for confirmation after they had already been rejected during his first term. Rather than dealing with rising gas prices and an economy that continues to falter and other issues that people really care about, Senate Republicans attempted to have a power grab, unlike any other in the history of the U.S. Senate.

Fortunately, Mr. Speaker, the Republican quest for absolute power in Washington was temporarily halted last night by 14 Senators. And this was a truly bipartisan group. Seven Democrats and seven Republicans came together to save the Senate from moving forward with an extreme power grab that would have undermined the very checks and balances that have existed in our Nation for over 200 years.

Senator FRIST and the Senate Republican leadership were prepared to wage an unprecedented political power grab on the filibuster. They wanted to change the Senate rules in the middle of the game and wanted to attack our historic system of checks and balances with the filibuster so that they could ram through a small number of judicial nominees who otherwise could not achieve a consensus.

In reality, the power grab by the Senate Republican leadership in trying to eliminate the filibuster did not really have much to do probably with the current judicial nominees, but instead it was an attempt by the White House and conservative interest groups to clear the way for a Supreme Court nominee eventually who would only need 51 votes rather than 60.

Conservative interest groups and a large majority of Senate Republicans are not happy with the current makeup of the U.S. Supreme Court. They do not want to see another David Souder or Anthony Kennedy nominated to the Supreme Court, even though they both were confirmed with nearly unanimous bipartisan support. They would prefer to see President Bush nominate a Supreme Court Justice like Clarence Thomas, who, because of extreme views, could not garner strong bipartisan support. In Justice Thomas's case, he only received 52 votes, and he has proven to be an extremist.

If the Senate had proceeded with this power grab and gotten rid of the filibuster, President Bush would have been able to appoint right-wing judges to the Supreme Court.

□ 2245

The President has already said he most admires Justices Scalia and Thomas and I think it would be frightening to think of another Justice with that same mold.

Mr. Speaker, at the end of the day a group of 14 bipartisan senators kept the Senate Republican leadership from moving forward with this extreme power grab. The bipartisan compromise that was reached last night shows that President Bush is not going to be able to ignore the moderate views of these senators when he appoints future justices to the Supreme Court, and I think that is certainly good news for our country.

I think certainly what was happening here, Mr. Speaker, was that the White House was manufacturing a crisis with these judicial nominees. The American people know that there was absolutely no reason for the Senate to take the measure of eliminating the minority's right for input on judicial nominees. The White House has essentially manufactured this judicial crisis because if you look at the record, over the past 4 years, the Senate has confirmed 208 of Mr. Bush's judicial nominations and turned back only 10. That is a 95 percent confirmation rate, higher than any other President in modern times, including presidents Reagan, the first President Bush, and President Clinton. In fact, it is thanks to these confirmations that President Bush now presides over the lowest court vacancy rate in 15 years.

Despite what Senate Republicans are saying today, judicial nominees have not always received an up-or-down vote on the Senate Floor. In fact, back in 2000, it was Senate Republicans that attempted to filibuster two of President Clinton's appointments to the Ninth Circuit Court. Senator FRIST, the architect, of course, of eliminating the filibuster now, voted to continue a filibuster of a Clinton nominee, Richard Paez.

There are also other ways the senators can prevent a nominee from receiving an up-or-down vote on the Floor, and this has happened many times in the past, which shows why it is not the case that there has to be an up-or-down vote. Judicial nominees have often been stalled in the Senate Committee on the Judiciary. More than one-third of President Clinton's appeals court nominees never received

an up-or-down vote on the Floor of the Senate because Senator HATCH, then the chairman of the Committee on the Judiciary, refused to bring the nominees' names up for a vote in the committee.

And, I think it is extremely disingenuous of Senator FRIST to say that all nominees are entitled to an up-or-down vote when he himself helped Senate Republicans block President Clinton's nominees in the late 1990s. We did not hear him talking about an up-or-down vote then when President Clinton was nominating judges.

I just want to say, once again, Mr. Speaker, I think that the bipartisan agreement reached last night was extremely valuable. It will keep two of the President's nominees from moving forward who really do not deserve to be appointed, and I would hope that the President would learn from last night's action that, unlike the House, the Senate is not a chamber that will be a rubber stamp for his extreme views. Let us hope that President Bush was listening and will resist nominating extreme right-wing judges to our courts in the future.

But all of this, not only the action in the House on the ethics rules, but also the action in the Senate on the filibuster, I think they are examples really of how the Republican majority has abused its power. And the consequence of that is that the public is increasingly disappointed and feels that the Congress does not do its job, that it is essentially a do-nothing Congress. And as we approach the Memorial Day recess, I think I need to stress that, that I believe the reason why the polling and the media shows that people no longer have faith in Congress or that the support of Congress as an institution has dropped significantly is because of the Republican leadership's fixation on these issues that consolidate their power, that seek to consolidate their power without focusing on the real issues that affect the American people.

A USA Today CNN poll that was released today, Mr. Speaker, showed that the American people are fed up with Republican control of Congress and are ready for a democratic Congress. And who can blame them? If they had been watching the abuses of power that had been taking place in both the House and the Senate in the last four months, they would have to be disgusted. Beyond that disgust, I think it is clear that they just want Congress to address the issues of importance in their lives, and we are going to be going into a Memorial Day recess without most of those issues being addressed. It really has been, for the last five months, a do-nothing Congress.

For five months now, congressional Republicans have done nothing to reverse their abysmal economic record. The fact is that middle class families are being squeezed at the gas pump, at the pharmacy with high drug prices, and in the grocery store. There are growing signs of a faltering economy, with President Bush still having the worst jobs record in history.

Instead of addressing the serious kitchen table issues of American families, education, health care, you name it, Republicans are focusing on legislation that is written for the special interests and will actually harm middle class families.

Instead of increasing the minimum wage and expanding prosperity, Republicans are focused on undercutting bipartisan ethics rules.

Instead of creating good jobs with good paychecks by completing the much-delayed highway bill, for example, Republicans choose to focus instead on undercutting the checks and balances on judicial nominations by focusing on the filibuster.

Instead of enacting an energy bill that improves our communities and brings down gas prices and tries to create more energy independence, the Republicans have channeled their energy into replacing Social Security with a risky privatization scheme that clearly most Americans do not support, and the President probably is going to have to eventually abandon.

And, instead of passing a budget that reflects the values of America's families, Republicans brought the entire Federal Government to intervene in the personal tragedy of just one family, and I am, of course, talking about the Terry Schiavo case. I think it is no wonder that the American people are not pleased with Congress, and I think it is time congressional Republicans take a hard look at these polls. I do not say, Mr. Speaker, that we should always be looking at polls, but in this case, the polls reflect what people are thinking.

I go back, and I will, of course, go back to my district during the Memorial Day recess, and I know I am going to hear from people who are saying, why are you not talking about health care, why are you not talking about education? What are you doing about the trade deficit? What are you doing about the budget deficit? What is the reason why a crisis for everything from housing to groceries to gas continue to go up, and we in Congress do not address the issues.

I am simply saying that the Republican leadership should listen to their constituents. The polls reflect, I think, what our constituents are telling us. I think the American people really want these abuses of power to stop. They do not want to hear us talking about the filibuster and about the ethics process; not that those are not important, they are, in terms of the procedures and how we proceed. But, in each of these cases, the Republicans wanted to change the procedure here so that they could get their own way, and instead of concentrating on those procedural issues and trying to change the rules, they should get down and look at issues like the rising cost of college, the rising cost of health care, the rising price of gas at a time when most people's wages are shrinking.

It is simply time, I think, for us to get down to the people's business. I hope that when we come back after the Memorial Day recess, that we can see the end of these Republican abuses of power, we can see the end of their trying to change the rules and, rather, focusing in a bipartisan way on trying to address some of the Americans concerns of the American people.

STEPS TOWARD PEACE IN ISRAEL

I just wanted to switch to a different issue, if I could, Mr. Speaker, for a few minutes, because I know that this Thursday is an historic day when the Palestinian Authority President Mahmoud Abbas is going to be visiting Washington to talk to President Bush. I wanted to discuss briefly the recent developments in the Middle East peace process and how that relates to this historic visit to Washington by the Palestinian leader.

This is the first time a Palestinian leader has visited the United States since peace talks in 2000 collapsed into bloodshed. This is a critical opportunity for Abbas to prove to Israel and the world that their commitment to peace goes beyond rhetoric and that the Palestinian leadership is taking concrete steps towards peace.

Just as this is an important opportunity for Abbas to show that he is committed to peace, Abbas's visit to Washington is an equally important opportunity for the United States to further encourage reforms in the Palestinian Authority. As one of my constituents said to me this afternoon, and this is one of the reasons that I am here this evening, the United States must be willing to hold Abbas's feet to the fire.

That being said, in order for negotiations to move forward, Abbas must rise to the occasion. He must take steps to dismantle Hamas and the Palestinian terrorist network. Security is of the utmost concern for Israel and Hamas is a direct threat to the safety of the Israeli people.

Mr. Speaker, Israel has taken remarkable risks over the last few months to advance the peace process.

By the end of this summer, Israel has agreed to withdrawal its military and civilian presence from the Gaza Strip and four settlements in the West Bank, and this decision was made at great political, financial, and emotional risk for the Israeli people.

In his speech today in Washington at the annual meeting of the American Israeli Public Affairs Committee, AIPAC, Israeli Prime Minister Ariel Sharon said that he is willing to work with Abbas to ensure a secure transition in Gaza. Cooperation on this level is an unprecedented step. It is critical that the Palestinians work to ensure a safe transition, that any looting or violence is prevented. Israel has taken the dramatic step of withdrawal; Abbas must then ensure that Gaza does not become a haven for terrorists.

This morning, Sharon also announced that as a sign of good faith, he plans to release 400 Palestinian prisoners. This is in addition to the 500 prisoners freed in February as part of an agreement between the two sides.

I would urge President Bush to be firm in his meeting with Abbas on Thursday that any support of terrorism will not be tolerated, that these next couple months will be critical if the peace process is to continue, the disengagement, and the upcoming Palestinian elections must go smoothly.

Mr. Speaker, I would like all of my colleagues to be cautiously optimistic about the situation in Israel. These initial steps are heartening, but the words must be met with action.

I had the opportunity almost two years ago to go to Israel at the time when there was a cease-fire and there was relative peace. At that time Mahmoud Abbas was the Prime Minister, and I realized very quickly that he was not in a position of authority and that it was not likely that the peace process was going to continue or that the cease-fire was going to continue. Very quickly, after myself and the rest of the congressional delegation left, the violence began again, Abbas ceased to be the Prime Minister, and we went through essentially another year, over a year of violence, if not longer than a year.

I hope that this time is different. I hope that because of the overtures and the steps that Ariel Sharon has taken, that we can see now a situation where Abbas is ready to negotiate and to end the violence. But I do think it is incumbent upon President Bush to make that point, that we are not going to see peace, we are not going to see any new negotiations, we are not going to see any roadmap unless Abbas and the Palestinian Authority immediately take steps to ensure that there is peace and that violence does not continue.

□ 2300

RECESS

The SPEAKER pro tempore (Mr. WESTMORELAND). Pursuant to clause 12(a), of rule I, the House is in recess, subject to the call of the Chair.

Accordingly (at 11 p.m.), the House stood in recess, subject to the call of the Chair.

□ 0010

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PUTNAM) at 12 o'clock and 10 minutes a.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1815, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006

Mr. COLE of Oklahoma, from the Committee on Rules, submitted a privileged report (Rept. No. 109–96) on the resolution (H. Res. 293) providing for consideration of the bill (H.R. 1815) to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2006, and for other purposes, which was referred to the House Calendar and ordered to be printed.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mr. JACKSON of Illinois, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Mr. CLEAVER, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. LARSON of Connecticut, for 5 minutes, today.

(The following Members (at the request of Mr. DUNCAN) to revise and extend their remarks and include extraneous material:)

Mr. FRANKS of Arizona, for 5 minutes, May 25.

Mr. DUNCAN, for 5 minutes, today.

Mr. GIBBONS, for 5 minutes, May 25.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. TAYLOR of Mississippi, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 188. An act to amend the Immigration and Nationality Act to authorize appropriations for fiscal years 2005 through 2011 to carry out the State Criminal Alien Assistance Program; in addition to the Committee on the Judiciary for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADJOURNMENT

Mr. COLE of Oklahoma. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 11 minutes a.m.), the House adjourned until today, Wednesday, May 25, 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:

2106. A letter from the Acting Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting a report presenting the specific amounts of staff-years of technical effort to be allocated for each defense Federally Funded Research and Development Center (FFRDC) during FY 2006, pursuant to Public Law 108–287, section 8028(e); to the Committee on Armed Services.

2107. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting a report to Congress on the use of Aviation Career Incentive Pay (ACIP) and Aviation Continuation Pay (ACP), pursuant to 37 U.S.C. 301a(a) 37 U.S.C. 301b(i); to the Committee on Armed Services.

2108. A letter from the Acting Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting the annual report on operations of the National Defense Stockpile (NDS), detailing NDS operations during FY 2004 and providing information with regard to the acquisition, upgrade, and disposition of NDS materials, as well as the financial status of the NDS Transaction Fund for FY 2004, pursuant to 50 U.S.C. 98h–2; to the Committee on Armed Services.

2109. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of Defense, transmitting a report pursuant to Section 9010 of the Department of Defense Appropriations Act, 2005 (Pub. L. 108–287); to the Committee on Armed Services.

2110. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the final report on the Department's Alternative Fuel Vehicle (AFV) program for FY 2004, pursuant to Public Law 105–388 42 U.S.C. 13211–13219; to the Committee on Energy and Commerce.

2111. 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 under a contract to New Zealand, Israel, and Canada (Transmittal No. DDTC 002-05), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

2112. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to Section 23(g) of the Arms Export Control Act (AECA), notification concerning the request for the Goverment of Israel to cash flow finance a Direct Commercial Contract (DCC) for the procurement of Engineering, Development and Production of Hardware Components for a Digital Army Program (DAP) for the Israeli Defense Force (IDF) Command Control Division Headquarters; to the Committee on International Relations.

2113. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, a correction to Transmittal No. 05-10 of 26 April 2005, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Israel for defense articles and services; to the Committee on International Relations.

2114. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31,

2003, a six-month periodic report on the national emergency with respect to the Development Fund for Iraq that was declared in Executive Order 13303 of May 22, 2003, as expanded in scope in Executive Order 13315 of August 28, 2003; to the Committee on International Relations.

2115. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a Memorandum of Justification for a drawdown to support the Transitional Islamic State of Afghanistan, pursuant to Section 202 and other relevant provisions of the Afghanistan Freedom Support Act (Pub. L. 107-327, as amended) and Sections 506 and 652 of the Foreign Assistance Act of 1961, as amended; to the Committee on International Relations.

2116. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule — Aliens Inadmissable Under the Immigration and Nationality Act — Unlawful Voters (RIN: 1400-AC04) received April 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

2117. A letter from the Chairman, Parole Commission, Department of Justice, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act for the calendar year 2004, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

2118. A letter from the Chairman, Federal Mine Safety and Health Review Commission, transmitting a report on activity for FY 2004, pursuant to Public Law 107–174, section 203; to the Committee on Government Reform.

2119. A letter from the Associate Special Counsel for Legal Counsel and Policy, Office of the Special Counsel, transmitting the Office's FY 2004 Annual Report pursuant to Section 203, Title II of the No Fear Act, Pub. L. 107-174; to the Committee on Government Reform.

2120. A letter from the Secretary, Judicial Conference of the United States, transmitting a draft bill, ''To amend title 28, United States Code, to clarify the jurisdiction of the Federal courts, and for other purposes''; to the Committee on the Judiciary.

2121. A letter from the Under Secretary for Emergency Preparedness and Response, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, may exceed $5 million for the response to the emergency declared as a result of the record snow on December 22-24, 2004, in the State of Ohio, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

2122. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30439; Amdt. No. 3117] received April 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2123. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30440; Amdt. 3118] received April 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2124. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce (1971) Limited, Bristol Engine Division Model Viper Mk.601-22 Turbojet Engines [Docket No. FAA-2004-18024; Directorate Identifier 2003-NE-39-AD; Amendment 39-14034; AD 2005-07-10] received April 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2125. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757-200 and -200PF Series Airplanes [Docket No. FAA-2004-18876; Directorate Identifier 2003-NM-254-AD; Amendment 39-14032; AD 2005-07-08] (RIN: 2120-AA64) received April 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2126. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30438; Amdt. No. 3116] received April 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2127. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-200F and -200C Series Airplanes [Docket No. 2001-NM-181-AD; Amendment 39-14046; AD 2005-07-21] (RIN: 2120-AA64) received April 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2128. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330, A340-200, and A340-300 Series Airplanes [Docket No. FAA-2005-20025; Directorate Identifier 2004-NM-208-AD; Amendment 39-14016; AD 2005-06-08] (RIN: 2120-AA64) received April 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2129. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330, A340-200, and A340-300 Series Airplanes [Docket No. 2001-NM-234-AD; Amendment 39-14028; AD 2005-07-04] (RIN: 2120-AA64) received April 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2130. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company (GE) CF6-80A1/A3 and CF6-80C2A Series Turbofan Engines, Installed on Airbus Industrie A300-600 and A310 Series Airplanes [Docket No. 99-NE-41-AD; Amendment 39-14015; AD 2005-06-07] (RIN: 2120-AA64) received April 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2131. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; British Aerospace Model BAe 146 and Model Avro 146-RJ Series Airplanes [Docket No. FAA-2004-19757; Directorate Identifier 2001-NM-273-AD; Amendment 39-14024; AD 2005-06-04] (RIN: 2120-AA64) received April 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2132. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767-200, -300, -300F Series Airplanes [Docket No. FAA-2004-19493; Directorate Identifier 2004-NM-69-AD; Amendment 39-14018; AD 2005-06-10] (RIN: 2120-AA64) received April 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2133. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-300, 747SP, and 747SR Series Airplanes [Docket No. FAA-2004-19535; Directorate Identifier 2004-NM-78-AD; Amendment 39-14020; AD 2005-06-12] (RIN: 2120-AA64) received April 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2134. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF6-45A, CF6-50A, CF6-50C, and CF-50E Series Turbofan Engines [Docket No. FAA-2004-19463; Directorate Identifier 2004-NE-14-AD; Amendment 39-14029; AD 2005-07-05] (RIN: 2120-AA64) received April 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2135. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fairchild Aircraft, Inc. SA226 and SA227 Series Airplanes [Docket No. 99-CE-12-AD; Amendment 39-14023; AD 2005-06-13] (RIN: 2120-AA64) received April 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2136. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Rolla, MO. [Docket No. FAA-2005-20060; Airspace Docket No. 05-ACE-2] received April 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2137. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E2 Airspace; and Modification of Class E5 Airspace; Newton, KS [Docket No. FAA-2004-19579; Airspace Docket No. 04-ACE-69] received April 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2138. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revocation of Class E Airspace; Palmer, MA [Docket No. FAA-2005-20584; Airspace Docket No. 05-AEA-05] received April 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2139. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Nevada, MO. [Docket No. FAA-200520062; Airspace Docket No. 05-ACE-4] received April 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2140. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Parsons, KS. [Docket No. FAA-2005-20573; Airspace Docket No. 05-ACE-10] received April 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2141. A letter from the Secretary, Department of Veterans Affairs, transmitting a letter reporting the FY 2004 expenditures from the Pershing Hall Revolving Fund for projects, activities, and facilities that support the mission of the Department of Veterans Affairs, pursuant to Public Law 102–86, section 403(d)(6)(A); to the Committee on Veterans' Affairs.

2142. A letter from the Secretary, Department of Veterans Affairs, transmitting a

draft bill, ''To amend title 38 United States Code, to improve veterans' health care benefits and for other purposes''; to the Committee on Veterans' Affairs.

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:

[Filed on May 25 (Legislative day, May 24), 2005]

Mr. COLE: Committee on Rules. House Resolution 293. Resolution providing for consideration of the bill (H.R. 1815) to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2006, and for other purposes. (Rept. 109–96). 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. JACKSON of Illinois:

H.R. 2560. A bill to amend title XVIII of the Social Security Act to require, as a condition of participation in the Medicare Program, that hospitals make reasonable efforts to contact a family member, specified healthcare agent, or surrogate decision-maker of a patient who arrives at a hospital emergency department unconscious or otherwise physically incapable of communicating with the attending health care practitioners of the hospital, 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. NORWOOD (for himself and Mr. ANDREWS):

H.R. 2561. A bill to amend the Federal Employees' Compensation Act to cover services provided to injured Federal workers by physician assistants and nurse practitioners, and for other purposes; to the Committee on Education and the Workforce.

By Mr. BROWN of Ohio:

H.R. 2562. A bill to amend the Federal Food, Drug, and Cosmetic Act to preserve the effectiveness of medically important antibiotics used in the treatment of human and animal diseases; to the Committee on Energy and Commerce.

By Mr. OTTER:

H.R. 2563. A bill to authorize the Secretary of the Interior to conduct feasibility studies to address certain water shortages within the Snake, Boise, and Payette River systems in Idaho, and for other purposes; to the Committee on Resources.

By Mr. ENGLISH of Pennsylvania (for himself and Mr. FORD):

H.R. 2564. A bill to amend the Internal Revenue Code of 1986 to make permanent the qualified tuition deduction at the 2005 levels; to the Committee on Ways and Means.

By Mr. TOM DAVIS of Virginia (for himself, Mr. WAXMAN, Mr. SOUDER, Mr. CUMMINGS, Mr. SHAYS, Mr. OWENS, Mr. MCHUGH, Mrs. MALONEY, Mr. PLATTS, Mr. DAVIS of Illinois, Mr. DUNCAN, Mr. CLAY, Mr. ISSA, Mr. LYNCH, Mr. DENT, Ms. LINDA T. SÁNCHEZ of California, Ms. FOXX, and Ms. NORTON):

H.R. 2565. A bill to reauthorize the Office of National Drug Control Policy Act and to establish minimum drug testing standards for major professional sports leagues; to the Committee on Government Reform, and in addition to the Committees on Energy and Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. PETRI, and Mr. DEFAZIO):

H.R. 2566. A bill to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Ways and Means, Science, and Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ACKERMAN (for himself, Mr. ROHRABACHER, Mrs. WILSON of New Mexico, Mr. UPTON, Mrs. BONO, and Mr. TANNER):

H.R. 2567. A bill to amend the Federal Hazardous Substances Act to require engine coolant and antifreeze to contain a bittering agent so as to render it unpalatable; to the Committee on Energy and Commerce.

By Mr. ANDREWS:

H.R. 2568. A bill to amend title 10, United States Code, to provide for the award of a military service medal to members of the Armed Forces who served honorably during the Cold War era; to the Committee on Armed Services.

By Mr. ANDREWS:

H.R. 2569. A bill to amend the accountability provisions of the Elementary and Secondary Education Act of 1965, and for other purposes; to the Committee on Education and the Workforce.

By Mr. ANDREWS:

H.R. 2570. A bill to amend the Federal Deposit Insurance Corporation Improvement Act of 1991 to provide for the collection of data on the availability of credit for women-owned business; to the Committee on Financial Services.

By Mr. ANDREWS:

H.R. 2571. A bill to require the establishment of programs by the Administrator of the Environmental Protection Agency, the Director of the National Institute for Occupational Safety and Health, and the Secretary of Health and Human Services to improve indoor air quality in schools and other buildings; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 2572. A bill to amend title 38, United States Code, to require that employers of members of the National Guard and Reserve who are called to active duty continue to offer health care coverage for dependents of such members, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARRETT of South Carolina:

H.R. 2573. A bill to suspend temporarily the duty on cuprammonium rayon yarn; to the Committee on Ways and Means.

By Mr. BARTLETT of Maryland (for himself, Mr. GINGREY, Mr. NORWOOD, Mr. OSBORNE, Mr. CULBERSON, Mr. ENGLISH of Pennsylvania, Mr. ROHRABACHER, Mr. PRICE of Georgia, and Mr. CANNON):

H.R. 2574. A bill to amend the Public Health Health Service Act to provide for a program at the National Institutes of Health to conduct and support research on animals to develop techniques for the derivation of stem cells from embryos that do not harm the embryos, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BONNER:

H.R. 2575. A bill to extend the suspension of duty on Methyl thioglycolate (MTG); to the Committee on Ways and Means.

By Mr. BONNER:

H.R. 2576. A bill to extend the suspension of duty on Ethyl pyruvate; to the Committee on Ways and Means.

By Mr. BONNER:

H.R. 2577. A bill to suspend temporarily the duty on Indoxacarb; to the Committee on Ways and Means.

By Mr. BONNER:

H.R. 2578. A bill to suspend temporarily the duty on Dimethyl carbonate; to the Committee on Ways and Means.

By Mr. BONNER:

H.R. 2579. A bill to suspend temporarily the duty on 5-Chloro-1-indanone (EK179); to the Committee on Ways and Means.

By Mr. BONNER:

H.R. 2580. A bill to extend the suspension of duty on Methyl-4-trifluoromethoxyphenyl-N-(chlorocarbonyl) carbamate (DPX-KL540); to the Committee on Ways and Means.

By Mr. BONNER:

H.R. 2581. A bill to suspend temporarily the duty on the formulated product containing mixtures of the active ingredients 5-methyl-5-(4-phenoxyphenyl)093-(phenylamino)092,4-oxazolidi edione@ (famoxadone) and 2-cyano-N-[(ethylamino)carbonyl]-2-(methoxyimino)acetamide (cymoxanil) and application adjuvants; to the Committee on Ways and Means.

By Mr. BONNER:

H.R. 2582. A bill to suspend temporarily the duty on ortho nitro aniline; to the Committee on Ways and Means.

By Mr. BONNER:

H.R. 2583. A bill to suspend temporarily the duty on Decanedioic acid, Bis(2,2,6,6,-tetramethyl-4-piperidinyl); to the Committee on Ways and Means.

By Mr. BONNER:

H.R. 2584. A bill to suspend temporarily the duty on Benzoxazole, 2,2′-(2,5-thiophenediyl)bis(5-(1,1-dimethylethyl)-; to the Committee on Ways and Means.

By Mr. BONNER:

H.R. 2585. A bill to extend the suspension of duty on 2methyl-4,6-bis[(octylthio)methyl]phenol; to the Committee on Ways and Means.

By Mr. BONNER:

H.R. 2586. A bill to extend the suspension of duty on 4-[[4,6-bis(octylthio)091,3,5-traizine-2-yl]amino]-2,6-bis(1 1-dimethylethyl)phenol; to the Committee on Ways and Means.

By Mr. CUNNINGHAM:

H.R. 2587. A bill to make amendments to the Reclamation Projects Authorization and Adjustment Act of 1992; to the Committee on Resources.

By Mrs. JO ANN DAVIS of Virginia (for herself, Mr. SCOTT of Virginia, Mr. GILCHREST, Mr. CARDIN, Mr. PLATTS, Mr. VAN HOLLEN, Mr. MORAN of Virginia, Mr. GOODE, Mr. HOLDEN, Mr. TOM DAVIS of Virginia, Mr. HOYER, Mr. RUPPERSBERGER, Mr. WOLF, and Mr. FORBES):

H.R. 2588. A bill to direct the Secretary of the Interior to carry out a study of the feasibility of designating the Captain John Smith Chesapeake National Historic Watertrail as

a national historic trail; to the Committee on Resources.

By Mr. FRANK of Massachusetts:

H.R. 2589. A bill to extend the temporary suspension of duty on certain filament yarns; to the Committee on Ways and Means.

By Mr. FRANK of Massachusetts:

H.R. 2590. A bill to extend the temporary suspension of duty on certain filament yarns; to the Committee on Ways and Means.

By Mr. FRANK of Massachusetts:

H.R. 2591. A bill to suspend temporarily the duty on certain yarn (other than sewing thread) of synthetic staple fibers, not put up for retail sale; to the Committee on Ways and Means.

By Mr. HASTINGS of Florida (for himself, Mr. SERRANO, Mr. LYNCH, Mr. CONYERS, Mr. RANGEL, Mr. WEXLER, Ms. CORRINE BROWN of Florida, Mr. DELAHUNT, and Ms. MOORE of Wisconsin):

H.R. 2592. A bill to designate Haiti under section 244 of the Immigration and Nationality Act in order to render nationals of Haiti eligible for temporary protected status under such section; to the Committee on the Judiciary.

By Mr. HYDE:

H.R. 2593. A bill to encourage more vigorous investigation and prosecution, under section 2339B of title 18, United States Code, of drug crimes committed to provide material support to terrorist organizations; to the Committee on the Judiciary.

By Mr. LEWIS of Kentucky (for himself, Mr. TANNER, Mrs. BLACKBURN, Mr. COOPER, Mr. JENKINS, Mr. MCCRERY, Mr. GORDON, Mr. FORD, Mr. FOLEY, Mr. DOGGETT, Mr. ENGLISH of Pennsylvania, Mr. ROGERS of Kentucky, Mr. HAYWORTH, Mr. CARDIN, Mr. DAVIS of Kentucky, Mr. DAVIS of Tennessee, Mr. WHITFIELD, Mr. HALL, Mr. TAYLOR of Mississippi, Mr. ENGEL, Mr. COBLE, Mr. BRADY of Texas, Mrs. BONO, Mr. CONYERS, Mr. FRANKS of Arizona, Mr. HOYER, Mr. BROWN of South Carolina, Mr. GOODE, Mr. KUCINICH, Mr. CRAMER, Mr. CHANDLER, and Mr. HERGER):

H.R. 2594. A bill to amend the Internal Revenue Code of 1986 to provide capital gains tax treatment for certain self-created musical works; to the Committee on Ways and Means.

By Ms. NORTON:

H.R. 2595. A bill to authorize the Administrator of General Services and the Secretary of the Interior to convey certain Federal property to the District of Columbia to increase the District's taxable property base as compensation for a structural fiscal imbalance caused by Federal mandates; to the Committee on Government Reform, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REICHERT:

H.R. 2596. A bill to suspend temporarily the duty on modified steel leaf spring leaves; to the Committee on Ways and Means.

By Mr. REICHERT:

H.R. 2597. A bill to suspend temporarily the duty on suspension system stabilizer bars; to the Committee on Ways and Means.

By Mr. REICHERT:

H.R. 2598. A bill to suspend temporarily the duty on steel leaf spring leaves; to the Committee on Ways and Means.

By Mr. ROHRABACHER:

H.R. 2599. A bill to improve the quality, availability, diversity, personal privacy, and innovation of health care in the United States; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAW:

H.R. 2600. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the sale or trade of prescription drugs that were knowingly caused to be adulterated or misbranded, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SMITH of New Jersey (for himself and Mr. PAYNE):

H.R. 2601. A bill to authorize appropriations for the Department of State for fiscal years 2006 and 2007, and for other purposes; to the Committee on International Relations.

By Mr. TERRY:

H.R. 2602. A bill to reduce temporarily the duty on Formulations of Azoxystrobin; to the Committee on Ways and Means.

By Mr. TERRY:

H.R. 2603. A bill to reduce temporarily the duty on Cypermethrin Technical; to the Committee on Ways and Means.

By Mr. TERRY:

H.R. 2604. A bill to reduce temporarily the duty on Formulations of Pinoxaden/Cloquintocet-Mexyl; to the Committee on Ways and Means.

By Mr. TERRY:

H.R. 2605. A bill to suspend temporarily the duty on Formulations of Difenoconazole/Mefenoxam; to the Committee on Ways and Means.

By Mr. TERRY:

H.R. 2606. A bill to suspend temporarily the duty on Fludioxonil Technical; to the Committee on Ways and Means.

By Mr. TERRY:

H.R. 2607. A bill to suspend temporarily the duty on Formulations of Clodinafop-propargyl; to the Committee on Ways and Means.

By Mr. TERRY:

H.R. 2608. A bill to suspend temporarily the duty on Emamectin Benzoate Technical; to the Committee on Ways and Means.

By Mr. TERRY:

H.R. 2609. A bill to suspend temporarily the duty on Cloquintocet Technical; to the Committee on Ways and Means.

By Mr. TERRY:

H.R. 2610. A bill to suspend temporarily the duty on Mefenoxam Technical; to the Committee on Ways and Means.

By Mr. TERRY:

H.R. 2611. A bill to suspend temporarily the duty on Cyproconazole Technical; to the Committee on Ways and Means.

By Mr. TERRY:

H.R. 2612. A bill to suspend temporarily the duty on Pinoxaden Technical; to the Committee on Ways and Means.

By Mr. TERRY:

H.R. 2613. A bill to suspend temporarily the duty on Formulations of Tralkoxydim; to the Committee on Ways and Means.

By Mr. TERRY:

H.R. 2614. A bill to suspend temporarily the duty on Propiconazole Technical - Bulk; to the Committee on Ways and Means.

By Mr. TERRY:

H.R. 2615. A bill to suspend temporarily the duty on Permethrin Technical; to the Committee on Ways and Means.

By Mr. WU (for himself, Ms. LEE, Ms. BORDALLO, Mr. MCGOVERN, Mr. SCOTT of Virginia, Mrs. JONES of Ohio, Mr. VAN HOLLEN, Ms. MILLENDER-MCDONALD, Mr. HINOJOSA, Mr. MCDERMOTT, Mr. SCHIFF, Ms. WATSON, Mr. LANTOS, Mr. CASE, Mr. CROWLEY, Ms. SCHAKOWSKY, Mr. HONDA, Mr. AL GREEN of Texas, Ms. MCCOLLUM of Minnesota, Mr. BLUMENAUER, Mr. KENNEDY of Rhode Island, Ms. ZOE LOFGREN of California, Mr. HINCHEY, Mr. FALEOMAVAEGA, and Mr. ABERCROMBIE):

H.R. 2616. A bill to amend the Higher Education Act of 1965 to authorize grants for institutions of higher education serving Asian Americans and Pacific Islanders; to the Committee on Education and the Workforce.

By Mr. ANDREWS:

H. Con. Res. 165. Concurrent resolution calling for the immediate release of all political prisoners in Cuba, including Mr. Jose Daniel Ferrer Garcia, and for other purposes; to the Committee on International Relations.

By Mr. ISRAEL:

H. Con. Res. 166. Concurrent resolution expressing the sense of the Congress that the Federal Government should not infringe on State or private programs that fund embryonic stem cell research; to the Committee on Energy and Commerce.

By Mr. BOUSTANY:

H. Res. 294. A resolution supporting the goals of ''A Day of Commemoration of the Great Upheaval'', and for other purposes; to the Committee on Government Reform.

By Mrs. JONES of Ohio (for herself and Mr. WELDON of Pennsylvania):

H. Res. 295. A resolution expressing the sense of the House of Representatives supporting the establishment of September as Campus Fire Safety Month, and for other purposes; to the Committee on Education and the Workforce.

By Ms. LINDDA T. SÁNCHEZ of California (for herself and Mr. GREEN of Wisconsin):

H. Res. 296. A resolution recognizing the achievements and contributions of ''Teenangels'' and WiredSafety/WiredKids Executive Director Parry Aftab, in addressing the growing problem of cyberbullying in the United States; to the Committee on Education and the Workforce, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SALAZAR (for himself and Mr. ROGERS of Michigan):

H. Res. 297. A resolution supporting the goals and ideals of a National Medal of Honor Day to celebrate and honor the recipients of the Medal of Honor on the anniversary of the inception of that medal in 1863; to the Committee on Armed Services.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

28. The SPEAKER presented a memorial of the Senate of the State of Hawaii, relative to Senate Resolution No. 51, S.D. 1, memorializing the Hawaiian Congressional Delegation to work towards National Park status for the Kawainui Marsh Complex; to the Committee on Resources.

29. Also, a memorial of the Legislature of the State of Michigan, relative to House Concurrent Resolution No. 4 memorializing the Congress of the United States to enact Highway Reauthorization legislation with a level of funding that closes the gap between federal fuel tax dollars paid by Michigan motorists and dollars received to address Michigan's transportation needs; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 22: Mr. ABERCROMBIE.
H.R. 63: Mr. LYNCH and Mr. CLYBURN.
H.R. 65: Mr. HALL and Mrs. CUBIN.
H.R. 94: Mr. RYAN of Ohio and Mr. BISHOP of Georgia.
H.R. 111: Mr. THOMPSON of Mississippi, Mr. SCHWARZ of Michigan, Mr. FATTAH, and Mr. SHAW.
H.R. 127: Mr. DELAHUNT.
H.R. 128: Mr. MORAN of Virginia, Ms. HOOLEY, and Mrs. NAPOLITANO.
H.R. 181: Mr. ROHRABACHER.
H.R. 195: Mr. GARRETT of New Jersey, Mr. PAUL, and Mr. WILSON of South Carolina.
H.R. 215: Mr. CONAWAY.
H.R. 282: Ms. WOOLSEY, Mr. HONDA, Mr. MOORE of Kansas, Mr. STRICKLAND, Mr. KENNEDY of Rhode Island, Mr. CARNAHAN, Mr. CUMMINGS, Mr. MARCHANT, Mr. MILLER of Florida, Mrs. CUBIN, Mr. RYUN of Kansas, Mr. GOHMERT, Mr. NEAL of Massachusetts, and Mr. GRAVES.
H.R. 328: Ms. WASSERMAN SCHULTZ, Mr. SHADEGG, and Mr. MORAN of Virginia.
H.R. 333: Ms. HOOLEY.
H.R. 371: Mr. MCCOTTER.
H.R. 376: Ms. WOOLSEY, Mrs. LOWEY, Mr. BOREN, and Mr. BISHOP of Georgia.
H.R. 408: Ms. WOOLSEY and Mr. HAYWORTH.
H.R. 420: Ms. GINNY BROWN-WAITE of Florida, Mr. ROGERS of Michigan, Mr. HENSARLING, Mr. AKIN, Mr. STEARNS, and Mr. INGLIS of South Carolina.
H.R. 528: Mr. ALEXANDER.
H.R. 554: Mr. SODREL.
H.R. 558: Mr. STRICKLAND.
H.R. 583: Mr. SESSIONS and Mr. BISHOP of Georgia.
H.R. 602: Mr. MELANCON, Mr. BONILLA, and Ms. DELAURO.
H.R. 615: Mr. KENNEDY of Rhode Island.
H.R. 700: Ms. WOOLSEY.
H.R. 712: Mr. MANZULLO and Mr. SWEENEY.
H.R. 713: Mr. SKELTON and Mr. RAMSTAD.
H.R. 791: Ms. ROYBAL-ALLARD, Mr. LARSON of Connecticut, Mr. CARDIN, Mrs. NAPOLITANO, Ms. DELAURO, Ms. ZOE LOFGREN of California, and Mr. KUCINICH.
H.R. 800: Mr. WELLER.
H.R. 808: Mr. ALLEN, Ms. BERKLEY, Mr. BONILLA, Mr. BOOZMAN, Mr. BOREN, Mr. BROWN of Ohio, Mr. CARTER, Mr. DAVIS of Florida, Mr. HONDA, Mr. LANGEVIN, Mr. LARSEN of Washington, Ms. MCCOLLUM of Minnesota, Ms. PELOSI, Mr. ROGERS of Kentucky, and Mr. SHIMKUS.
H.R. 817: Mr. LANTOS, Mr. SAXTON, Mr. ACKERMAN, Ms. ZOE LOFGREN of California, Mr. LOBIONDO, Mr. INGLIS of South Carolina, Mr. SHIMKUS, and Mr. KING of New York.
H.R. 818: Mr. HOLT and Mr. MORAN of Virginia.
H.R. 874: Mr. BISHOP of Utah.
H.R. 885: Mr. SNYDER and Mr. EDWARDS.
H.R. 893: Mrs. NAPOLITANO, Mr. LANTOS, Ms. WATSON, and Ms. MATSUI.
H.R. 898: Mr. WAXMAN, Mr. SNYDER, Mr. TAYLOR of Mississippi, Mr. INSLEE, Mr. LANGEVIN, Mr. GERLACH, Ms. DEGETTE, Mr. ALLEN, Mr. ENGEL, Ms. HOOLEY, Mr. ROSS, Mr. COBLE, Mr. GUTIERREZ, Mrs. MCCARTHY, Mr. DICKS, Mr. BACA, and Mr. HONDA.
H.R. 916: Ms. HARRIS, Mr. PLATTS, Mr. BAIRD, Mr. LEWIS of Georgia, and Mr. PICKERING.
H.R. 923: Mr. KILDEE.
H.R. 963: Mr. MCHUGH and Mr. FOLEY.
H.R. 976: Mrs. NORTHUP and Mrs. KELLY.
H.R. 983: Mr. HOLT.
H.R. 998: Mr. WYNN, Mr. WALDEN of Oregon, Mr. BRADLEY of New Hampshire, Mr. DICKS, Mr. KUHL of New York, and Mr. GRIJALVA.
H.R. 1002: Mr. ALLEN.
H.R. 1020: Mr. STARK and Mr. RUPPERSBERGER.
H.R. 1049: Mr. LUCAS.
H.R. 1106; Mr. BARROW and Mr. CAPUANO.
H.R. 1107: Mr. CLEAVER.
H.R. 1124: Mr. SULLIVAN.
H.R. 1140: Mr. PLATTS.
H.R. 1145: Mr. BOEHLERT, Mr. MURTHA, Mr. PRICE of North Carolina, Mr. MCCAUL of Texas, Mr. KIND, Mr. VAN HOLLEN, and Mr. REYES.
H.R. 1149: Mr. GREEN of Wisconsin.
H.R. 1152: Mr. COX.
H.R. 1182: Mr. FORD, Mr. MEEK of Florida, Mr. SANDERS, Mr. MOORE of Kansas, and Mr. SCOTT of Georgia.
H.R. 1216: Mrs. MILLER of Michigan and Mr. PETRI.
H.R. 1232: Mr. ISSA.
H.R. 1235: Mr. ADERHOLT.
H.R. 1259: Mr. CONYERS, Mr. FRANK of Massachusetts, Mr. LEVIN, Mr. BERMAN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SCOTT of Georgia, Mr. BISHOP of Georgia, Ms. HARMAN, Mr. CLYBURN, and Ms. KAPTUR.
H.R. 1306: Mr. WATT.
H.R. 1337: Mr. GARY G. MILLER of California, Mrs. BLACKBURN, Mr. RADANOVICH, and Mr. EHLERS.
H.R. 1352: Ms. ZOE LOFGREN of California and Ms. ESHOO.
H.R. 1373: Mr. DELAHUNT and Mr. CUMMINGS.
H.R. 1380: Mr. BISHOP of Georgia.
H.R. 1397: Mr. FITZPATRICK of Pennsylvania.
H.R. 1399: Mr. CLAY.
H.R. 1402: Mr. TIERNEY and Mr. DEFAZIO.
H.R. 1406: Mr. GORDON.
H.R. 1417: Mr. BLUNT.
H.R. 1426: Ms. DELAURO.
H.R. 1443: Ms. GRANGER.
H.R. 1469: Mr. ADERHOLT.
H.R. 1480: Mr. GEORGE MILLER of California.
H.R. 1498: Mr. HALL, Mr. WILSON of South Carolina, and Mr. JONES of North Carolina.
H.R. 1505: Mr. ALEXANDER.
H.R. 1510: Mr. HINOJOSA and Mr. MCKEON.
H.R. 1558: Mr. ALEXANDER.
H.R. 1563: Mr. AKIN.
H.R. 1592: Mr. SCHWARZ of Michigan, Mr. GUTIERREZ, Mr. CALVERT, Mr. KENNEDY of Minnesota, and Mr. LIPINSKI.
H.R. 1632: Mr. RYAN of Wisconsin.
H.R. 1671: Mrs. EMERSON.
H.R. 1688: Mr. SABO.
H.R. 1696: Ms. WASSERMAN SCHULTZ.
H.R. 1704: Ms. EDDIE BERNICE JOHNSON of Texas, Ms. SCHAKOWSKY, Mr. THOMPSON of Mississippi, Ms. CARSON, Mr. TOWNS, and Ms. MILLENDER-MCDONALD.
H.R. 1707: Mr. MORAN of Virginia, Mr. MEEKS of New York, Ms. CARSON, Ms. MCCOLLUM of Minnesota, Ms. ESHOO, Mrs. DAVIS of California, Mrs. CAPPS, Mr. CLEAVER, and Mr. MICHAUD.
H.R. 1736: Ms. HOOLEY.
H.R. 1741: Mr. STUPAK.
H.R. 1749: Mr. PAUL, Mr. PENCE, Mr. SOUDER, and Mr. SCOTT of Georgia.
H.R. 1751: Mr. ALEXANDER and Mr. GALLEGLY.
H.R. 1762: Mr. LEWIS of Kentucky and Mr. RAMSTAD.
H.R. 1816: Mr. BISHOP of Utah.
H.R. 1849: Ms. ZOE LOFGREN of California, Mr. ISRAEL, Ms. ROS-LEHTINEN, Mr. MOORE of Kansas, and Ms. LINDA T. SÁNCHEZ, of California.
H.R. 1851: Mr. CONAWAY.
H.R. 1879: Mr. HAYWORTH, and Mr. NUSSLE.
H.R. 1929: Mr. SOUDER.
H.R. 1854: Mr. ALEXNDER.
H.R. 1956: Ms. HART, Mr. COLE of Oklahoma, and Mr. GARRETT of New Jersey.
H.R. 2012: Ms. WOOLSEY, Mrs. CAPPS, and Mr. FOLEY.
H.R. 2047: Mr. TAYLOR of Mississippi, Mr. SIMPSON, and Mr. OTTER.
H.R. 2049: Mr. SOUDER, Mr. ALEXANDER, and Mr. FORBES.
H.R. 2061: Mr. GILLMOR, Mr. PETERSON of Minnesota, Mr. PAUL, Mr. GOODE, Mr. BURTON of Indiana, Mr. TERRY, Mr. OSBORNE, and Mr. ALEXANDER.
H.R. 2063: Mr. PAUL, Mr. INGLIS of South Carolina, and Mr. KUHL of New York.
H.R. 2071: Ms. ESHOO.
H.R. 2089: Mr. SESSIONS, Mr. CARTER, Mr. ISSA, and Mr. TERRY.
H.R. 2108: Mr. HASTINGS of Florida.
H.R. 2177: Mr. COX, Mr. KIND, and Mr. DOGGETT.
H.R. 2183: Mr. LOBIONDO, Mr. PALLONE, and Mr. ANDREWS.
H.R. 2210: Mr. BOREN.
H.R. 2233: Mr. HASTINGS of Florida.
H.R. 2238: Mr. ALEXANDER.
H.R. 2259: Mr. KENNEDY of Rhode Island.
H.R. 2327: Mr. PASTOR, Mrs. LOWEY, and Mr. MEEK of Florida.
H.R. 2349: Mr. HASTINGS of Florida.
H.R. 2350: Mr. MILLER of Florida.
H.R. 2353: Mr. PENCE.
H.R. 2355: Mr. SODREL.
H.R. 2356: Ms. BERKLEY, Mr. BOSWELL, Mrs. CHRISTENSEN, Mr. CLAY, Mr. COSTA, Mr. GOODE, Mr. HINCHEY, Ms. HOOLEY, Mr. MCINTYRE, Mr. MILLER of Florida, Mr. NORWOOD, Mr. PRICE of Georgia, Mr. SESSIONS, Mr. TOWNS, and Mr. YOUNG of Alaska.
H.R. 2359: Ms. SCHAKOWSKY.
H.R. 2363: Mr. ALEXANDER.
H.R. 2366: Ms. BORDALLO, Ms. JACKSON-LEE of Texas, and Mr. GUTIERREZ.
H.R. 2401: Ms. SLAUGHTER.
H.R. 2423: Ms. ROS-LEHTINEN and Mr. ALEXANDER.
H.R. 2427: Ms. MOORE of Wisconsin.
H.R. 2455: Ms. MCKINNEY.
H.R. 2511: Mrs. WILSON of New Mexico.
H.R. 2533; Mr. MARKEY and Mr. LEACH.
H.J. Res. 23: Mr. PORTER.
H.J. Res. 46: Mr. GOODE.
H. Con. Res. 24: Mr. TIERNEY.
H. Con. Res. 85: Mr. MOORE of Kansas.
H. Con. Res. 107: Mr. LEWIS of Georgia and Mr. CLYBURN.
H. Con. Res. 141: Mr. COX.
H. Con. Res. 144: Mrs. MYRICK.
H. Con. Res. 148: Mr. COBLE, Mr. TAYLOR of North Carolina, Mr. MCHENRY, Mr. JONES of North Carolina, Mr. ETHERIDGE, and Mr. MCINTYRE.
H. Con. Res. 160: Mr. NADLER, Ms. NORTON, and Mr. SCOTT of Virginia.
H. Con. Res. 162: Mr. CONAWAY.
H. Res. 76: Mr. KENNEDY of Rhode Island.
H. Res. 199: Mr. WOLF, Mr. LANTOS, Mr. ROHRABACHER, Mr. TURNER, Mr. MCNULTY, Mr. MORAN of Virginia, and Mr. MCGOVERN.
H. Res. 245: Mr. GRIJALVA.
H. Res. 279: Mr. DENT, Ms. DELAURO, Mrs. MCCARTHY, and Mr. BISHOP of Georgia.
H. Res. 288: Ms. WATERS.

PETITIONS, ETC.

Under clause 3 of rule XII,

21. The SPEAKER presented a petition of the Town Council, Davie, Florida, relative to Resolution No. R–2005–81 petitioning the Congress of the United States to preserve the Community Development Block Grant (CDBG) program within the Department of Housing and Urban Development (HUD), and provide a FY 2006 funding level of at least $4.7 billion overall, with no less than $4.35 billion in formula funding for the CDBG program; which was referred to the Committee on Financial Services.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1815

OFFERED BY: MR. FILNER

AMENDMENT NO. 1. At the end of title VI (page 279, after line 6), add the following new section:

SEC. ___. REPORT ON SPACE-AVAILABLE TRAVEL FOR CERTAIN DISABLED VETERANS.

Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the feasibility of providing transportation on Department of Defense aircraft on a space-available basis for any veteran with a service-connected disability rating of 50 percent or higher. The Secretary of Defense shall prepare the report in consultation with the Secretary of Veterans Affairs.

H.R. 2419

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 6. Page 2, line 18, after the dollar amount, insert the following: ''(increased by $1,000,000)''.

Page 27, line 9, after the dollar amount, insert the following:''(reduced by $1,000,000)''.

H.R. 2419

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 7. At the end of title I (before the Short Title), insert the following:

SEC. 5____. Congress finds the following:

(1) The Secretary should provide a floodplain information report for the Missouri River from River Mile 498 through 811.

(2) The floodplain information report should develop new information as well as utilize information developed in the Upper Mississippi, Lower Missouri, and Illinois Rivers Flow Frequency Study completed during 2004 under authority of section 206 of the 1970 Flood Control Act.

(3) The report should include water surface profiles for the 10-, 50-, 100-, and 500-year floods; delineation of the 100-, and 500-year flood boundaries, as well as the regulatory floodway for the Missouri River, within the States of Nebraska, Iowa, Missouri, and South Dakota.

(4) Products developed should include hydrologic and hydraulic information and should accurately portray the flood hazard areas along the Missouri River floodplain.

(5) Maps delineating the floodplain information should be produced in a high resolution format and be made available to the States of Nebraska, Iowa, Missouri, and South Dakota in a digital format, acceptable to the States.

(6) $3,000,000 should be made available for the completion of the floodplain information report.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, FIRST SESSION

Vol. 151 WASHINGTON, TUESDAY, MAY 24, 2005 No. 70

Senate

The Senate met at 9:45 a.m. and was called to order by the Honorable LISA MURKOWSKI, a Senator from the State of Alaska.

PRAYER

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

Let us pray.

Eternal spirit, You have said that the truth will set us free. We thank You that Your freedom leads to harmony and not discord, to consensus and not conflict. Liberate us from deceptions and distortions that caricature reality and misrepresent facts.

Empower our Senators to find freedom in being as true to duty as the needle to the pole. Continue to teach them the fine art of conciliation and motivate them to continue to choose rational roads instead of emotional dead ends. Lift them above partisan rancor, and give them power to walk in Your light, to act in Your strength, to think in Your wisdom, to speak in Your truth, and to live in Your love. Inspire each of us to stand for right, even though the heavens fall.

We pray in the Name of Him who is the truth. Amen.

PLEDGE OF ALLEGIANCE

The Honorable LISA MURKOWSKI led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 24, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable LISA MURKOWSKI, a Senator from the State of Alaska, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Ms. MURKOWSKI 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. Madam President, this morning we will continue debate in executive session on the nomination of Priscilla Owen to be a U.S. Circuit judge for the Fifth Circuit, and today at noon we will have a cloture vote with respect to the Owen nomination. In light of the events of yesterday, I expect cloture will be invoked this afternoon. If that cloture vote is successful, it is my desire to proceed expeditiously to vote on that confirmation. Members have had the opportunity to speak for over 40 hours, and hopefully we will not need much time following cloture.

I am happy to yield to the Democratic leader. I have a brief statement commenting on the events of last night.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

CLOTURE VOTE

Mr. REID. Madam President, I think it would be better—I haven't had a chance to discuss this with the majority leader—to vitiate the vote on cloture and then set a time to complete the debate on Priscilla Owen. We would be willing to do that. It would move things along. I wanted the leader to know that. We would be happy to talk about schedule, how much time people need, and what we are going to do the rest of the week. We haven't had time to talk this morning.

Mr. FRIST. Madam President, we will talk over the course of the morning because over the next 5 days, with the memorandum of understanding, we would like to move ahead and address many of the judges. At the same time, we have the nomination of John Bolton, whom the Democratic leader and I have briefly discussed. I do want to be able to continue with the cloture vote that is now on the schedule for noon today. It is important to do so in part because of the events of yesterday, and I want to follow regular order. With that memorandum of understanding, which is important—it is not what the Democratic leader or I asked for—it is important that we see how it is going to be implemented, and the first step will be that vote today.

We do have a lot to do this week. I want to keep things organized efficiently and well and use time wisely.

Mr. REID. Madam President, if I could direct another question to the distinguished leader, it was my understanding of our conversation late last night that we were not going to move forward on more judges this period but move forward to other matters. Do you now feel differently?

Mr. FRIST. Well, I think we need to think how much we can do realistically this week. With that understanding and the backlog we have on judges, if we can move those expeditiously—and we put in a plan or process to do so—we should do just that. We have had

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

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various offers from your side of the aisle on the Michigan judges and on Griffith, and now we have this memorandum of understanding for up-or-down votes on three other nominees we have been debating. Leadership to leadership, we ought to sit down and plan how we can deal with judges since we have waited a long time for these up-or-down votes and since offers have been made back and forth. In light of the understanding the 14 Senators came to, I think we should move expeditiously and address the judges who have been waiting a long time. At the same time, we have other very important business—John Bolton to be Ambassador to the U.N.—which we do need to address as well.

As I say that, I want to make an appeal to Senators. A lot has been said about many of the judges, and I don't believe we have to say it again. Whether it is on Priscilla Owen, who I am confident will get an up-or-down vote, or on to some of the other judges, I want to make sure everything gets said. But on a lot of these, we have had a lot of debate. I would like to sit down with the Democratic leader, in light of the events of yesterday, and plan out this week so it will be productive. We have a lot of other important business, such as an energy bill and a highway bill, that we need to also address.

THE MEMORANDUM OF UNDERSTANDING

Mr. FRIST. Madam President, I wish to briefly comment on the events of last night. The evening moved very quickly, and it did alter the course of what likely would have occurred over the course of today. Certain adjustments will be made and are being made, as we just heard in the colloquy between the Democratic leader and I, in terms of the schedule. Although I am not a party of the memorandum of understanding signed last night by 14 of our colleagues, I have had the opportunity to further review that agreement in more detail.

I do believe the memorandum of understanding makes modest progress in that three individuals will get up-or-down votes on the floor of the Senate. To me, it does stop far short of guaranteeing judicial nominees the fair up-or-down votes they deserve—other nominees, nominees in the future.

I say that and recognize that with civility and trust, which are two values I have tried to stress again and again, and with that memorandum of understanding being a starting point and the spirit in which it was generated, I believe we can successfully bring these nominees to the floor, after coming through the Judiciary Committee, debate them extensively, and ultimately bring them to a vote. I believe that is the spirit. It will be spun by the left and the right and conservatives and liberals in various ways. I did not sign off on the memorandum of understanding because it stops far short of the principle, but it does put us in a position to move forward expeditiously without delay, without filibuster, giving these nominees the votes they deserve and the courtesy of a vote. It is our responsibility to vote and give them that advice and consent through that up-or-down vote.

On the agreement, first, it does begin to break the partisan obstruction we have seen over the last 2 years. Thematically, it is important to get away from extreme partisanship. Parties are important, the clash of ideas is important, But where partisanship is injected into the system and brings advice and consent to a stop, it is wrong. I believe that is the spirit in which the memorandum of understanding, with seven Senators from both sides of the aisle, was written.

Indeed, Priscilla Owen will get an up-or-down vote later today. Janice Rogers Brown will get an up-or-down vote. William Pryor will get an up-or-down vote. They all will receive the courtesy and fairness of a vote.

Other qualified nominees who have been waiting deserve that same courtesy and fairness. Why just those three? Why exclude two others? Why be silent on others? That is where the agreement stops far short of the principle I have brought to the floor, a principle based on fairness.

Second, the agreement, if followed in good faith, will make filibusters in the future, including Supreme Court nominees, almost impossible. The words in that agreement of ''will not filibuster except under extraordinary circumstances,'' obviously, I am concerned about because if extraordinary circumstances are defined as they were in the last Congress, which I believe is wrong, on people such as Miguel Estrada, who came to this country as an immigrant from Honduras, not able to speak English very well, who with hard work worked his way to the top of his profession, arguing 15 cases in the Supreme Court, if that is extraordinary circumstances, then this agreement will mean very little. We have to wait and see. The agreement will have to be monitored. The implementation of the memorandum of understanding is critical.

Third, let me be clear: The constitutional option remains on the table. It remains an option. I will not hesitate to use it if necessary. It should be used as a last resort. Nobody wants to use the constitutional option, but it is the only response if there is a change in behavior as we saw in the last Congress that is extraordinary, which is something that I believe has been absolutely rejected by the memorandum of understanding in saying that we are not going to be filibustering as we did in the last Congress.

My goal is restoring the principle of fair up-or-down votes, the principle that governed this body for 214 years until the last Congress.

I will say that if the other side of the aisle acts in bad faith, if they resume that campaign of routine obstruction where one out of every three or four nominees coming from the President who make it through the Judiciary Committee, who make it to the Executive Calendar is filibustered, the constitutional option is going to come out again. I will bring it out. And once again, I will set a date to use it. If that is what it takes to move this body forward, we will do that once again.

The constitutional option is not a threat. It ought to be used as a response behavior which I believe is inappropriate to this body as we consider nominees. All the constitutional option does is it brings it to the floor. One hundred Senators can make the decision as to whether the fairness of up-or-down votes is a principle to which they agree.

I look at all of this today as having the opportunity to begin the execution of the memorandum of understanding, using regular order of business. The regular order is, as was set out several weeks ago, to debate Priscilla Owen extensively, exhaustively, which we have done, over 21 days of debate on the Senate floor on Priscilla Owen, and then bring it to closure. We had to file a cloture motion. We made an offer of 10, 15 hours, and that was turned down by the other side. So we filed a cloture petition, and we will have the cloture vote in regular order. Depending on the outcome, we will in all likelihood move to an up-or-down vote.

I expect this afternoon that we will confirm Priscilla Owen and, by the end of the week's process, Janice Rogers Brown, and William Pryor. I will work with the minority leader in terms of the best timing. I will work with the Judiciary Committee as well and other Senators to move forward expeditiously on other nominees.

We have had discussions and offers from the other side to move ahead with Tom Griffith, which I hope we can do shortly; offers on the Sixth Circuit nominees David McKeague, Susan Neilson, and Robert Griffin, all of whom deserve a vote on the floor of the Senate, an up-or-down vote. So all this has been a very significant, substantial debate.

I believe the injustice of judicial obstruction in the last Congress has been exposed, talked about, recognized, and I believe we have now—it is not guaranteed—the opportunity to return to the traditions of 214 years and precedents of 214 years to give these nominees fair up-or-down votes.

I hope that progress continues. I am confident it will. I am cautiously optimistic. Fair up-or-down votes is a principle I believe in and will continue to fight for on the floor of the Senate.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

DOING THE WILL OF THE PEOPLE

Mr. REID. Madam President, I support the memorandum of understanding. It took the nuclear option off the table. It is gone for our lifetime. We don't have to talk about it anymore. I am disappointed there are still the threats of the nuclear option. Let's move on. We need not go over this, but there were 218 nominees of the President and we turned down 10.

All filibusters are extraordinary. There will be filibusters of judges and of other things. That is what the Senate is all about. That is what the 14 Senators acknowledged. I admire and respect what they did. I am thankful they kept me advised as to what they were doing. It is too bad there were not other opportunities to make a ''deal'' between the majority leader and me.

We have to understand that the Senate needs to operate. I say to my friend, the distinguished majority leader, there was an agreement made on three judges. We feel the merits of those three judges are not good and that we need time to talk about those three judges. We will continue to do that. The rules of the Senate have not been changed. That is what is so good about the agreement of these 14 Senators, who rose above the battle and did the right thing.

I am willing to work with the majority leader. I have said that publicly and privately. But we have to be realistic. Unless we work into next week, we cannot do all these judges. If that is the order—that we are going to work into next week—people should be told that now. We are willing to work within the confines of the rules of the Senate. If cloture is invoked today, the rule is you get 30 hours. We are happy to work on that to shorten it a little bit and to have a vote sometime tomorrow and then go to other matters. I would think we could go to another judge—a controversial judge. We have indicated that the judges from Michigan are not controversial. They were held up on procedural things because of longstanding problems with the Michigan Senators. We would need to debate that for a while.

We are here to work the will of the Senate. Again, I am somewhat disappointed that we still hear threats of nuclear option. That is gone. Let's forget about it. I am happy that one of the things the 14 talked about is having some consultation with the President. I am confident that will work out better for the White House and the Senate. I hope that transpires. We here want to move forward. We have so much that needs to be done.

The distinguished majority leader has talked about things that need to be done, such as the Bolton nomination, which is also controversial. We will be happy to try to work to some degree to make that as easy as possible for everybody. It is a difficult issue. I have spoken to Senator BIDEN early this morning. He has a plan as to what he feels should be done on Bolton. None of this is going to take an hour or two. There are things we have to talk about with Bolton.

As I indicated last night, last night was a good day for the Senate and today is a good day. Let's move forward and work as the Senate feels it should work. There have been no rule changes. We are here to do the will of the people of this country.

RESERVATION OF LEADER TIME

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

EXECUTIVE SESSION

NOMINATION OF PRISCILLA RICHMAN OWEN TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Priscilla Richman Owen, of Texas, to be United States Circuit Judge for the Fifth Circuit.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 11:40 shall be equally divided between the two leaders or their designees.

The Senator from Alabama is recognized.

Mr. SESSIONS. Madam President, I will say a few things about the compromise that was reached last night. It has a lot of good things in it. I think, first and foremost, it represented a consensus of a group of Senators who would represent the majority, saying that filibusters are not to be routinely utilized in the confirmation process. As a matter of fact, they said only in ''extraordinary circumstances'' should a filibuster be utilized.

This was a rejection of what we have seen for over 2 years in the Senate. It was a movement toward the historical principles of confirmation that I think are very important. I think it is worthy of note that the majority leader, Senator BILL FRIST, who just left the floor, moved so ably on this issue. He spent nearly 2 years studying the history, seeking compromises, working with colleagues on both sides of the aisle, and as of a few weeks ago had, I believe, quite clearly achieved a majority of the Senators who were prepared to exercise the constitutional option to establish the rule that we would not filibuster judicial nominees. We have not had a judicial filibuster in 214 years and we should not have one now. A majority in this Senate was prepared to act to ensure that we would not have one.

It was only at that point that serious discussions began on a compromise and, as a result of those discussions, seven Senators on each side agreed they would act in a certain way and issued the statement they did. It does not reflect the majority of either party, but it does reflect, in my view, the fact that a majority of this Congress does not believe that filibusters are the way to go and should not occur except in extraordinary circumstances.

Frankly, I think that is not the principle we need to adhere to. When President Clinton was President and he sought nominees that he chose for the Federal bench, and people on the Republican side discussed whether a filibuster was appropriate, the Republicans clearly decided no and allowed nominees such as Berzon and Paez to have an up-or-down vote. They were given an up-or-down vote and both were confirmed, even though they were controversial. I think that was significant.

I have to tell you how thrilled I am that Judge Bill Pryor will be able to get an up-or-down vote. He is one of the finest nominees who has come before this body. The hard left groups out there, who have been driving this process, attacked him early on and misrepresented his positions, his character, his integrity, and his legal philosophy. They called him an activist, when he is exactly the opposite of that, and they created a storm and were able to generate a filibuster against him. He had a majority of votes in the Senate, if he could have gotten an up-or-down vote. But he was denied that through the inability of the majority to cut off debate and have a vote.

I am so glad the group of 14 who met and looked at these nominees concluded he was worthy of being able to get a vote up or down. I have to say that has colored my pleasure with the agreement, even though I know some other good judges or nominees were not part of the agreement.

I want to point this out. The minority leader seems to suggest that filibusters are here to stay and they are normal and logical, and get over it and accept it, and that, oh, no, the constitutional option can never be used. That was not in that agreement and that is not what is in the hearts and minds of a majority of the Senators in this body. If this tactic of filibustering is continued to be used in an abusive way, or in a way that frustrates the ability of this Congress to give an up-or-down vote to the fine nominees of President Bush, there has been no waiver of the right to utilize the constitutional option.

As I understand it, even yesterday Senator BYRD, on the Senate floor, admitted the constitutional option is a valid power of the Senate majority. I would say this. It ought not to be abused; it ought not to be used for light or transient reasons. It ought to be used only in the most serious circumstances—the most serious circumstances of the kind we have today when, after 200 years of tradition, 200 years of following the spirit of the Constitution to give judges up-or-down

votes, the Senate is systematically altered as it was in the last Congress. That is why it was brought out, and with the threat of the constitutional option and a majority of Senators who were prepared to support it, a compromise was reached. I believe it is significant.

Finally, I want to note it is exceedingly important that we, as Members of this Senate, understand how judges should be evaluated, how they have basically always been evaluated, except in recent times. How should they be evaluated? They should be evaluated on their judicial philosophy, not their political views or their religious views. There are nominees who have come before this Senate who have demonstrated through a career of practice that they comply with the law, whether they agree with it or not. Some of them are pro-life, some of them are pro-choice, some of them are for big Government, some of them are for smaller Government, some of them are for strong national defense, some of them are not. That is not the test and cannot be the test.

We had one situation that troubled me. I was pleased eventually that this nominee was confirmed. A man and a woman—the man was nominated for judge and had been No. 1 in his law school class. They had written a letter to the members of their church, a Catholic Church in Arkansas, and they discussed their view of marriage in the Christian tradition. They affirmed that and quoted from Scripture. We had persons attack that nominee because they said it somehow elevated a man over a woman. That is not the rich tradition of marriage as was explained in their letter. But it led to that attack. That made starkly clear in my mind what is at stake here. This is the question: Are we to expect that every nominee that comes here has to lay out their personal philosophy, their marital philosophy, their religious beliefs, and we sit and judge them on whether we agree with that?

Is that the way you judge a judge to see if they are qualified: Do I agree with their theology? Do I agree with their political philosophy? Do I agree with their opinion on Franklin Delano Roosevelt? Is that what we do?

We cannot do that. We should not do that. We ought to be pleased that a nominee has cared enough about his or her country to speak out on the issues that come before the country. We ought to be pleased that they have been active and they care and they participate in the great political debate in America. But we ought not say to them, because you said one thing about abortion, and you are pro-life or you are pro-choice, you can never follow the law of the Supreme Court or the Constitution and, therefore, we are not going to allow you to be a judge. We cannot do that. That is a wrong step.

I think that was implicit in this compromise—at least I hope it was. I think it said that judges, such as Judge Bill Pryor who, when asked did if he said abortion was bad, answered: Yes, sir, I do. And when he was asked: Do you still believe it? He said: Yes, sir. I do. He had a record, fortunately, that he could then call on to show that he was prepared to enforce the law whether he agreed with it or not. If he had been in the legislature, he might have voted differently. But as a judge or as attorney general, he had a record on which he could call to show that he enforced the law.

For example, Judge Pryor would certainly have opposed partial-birth abortion, one of the worst possible abortion procedures. But as attorney general in the 1990s, when Alabama passed a partial-birth abortion ban, he wrote every district attorney in the State on his own motion—he did not have to, but he had the power to do so as attorney general—and told them that portions of that bill, with which he probably agreed, were unconstitutional and should not be enforced.

Later, when the Supreme Court of the United States rendered the Stenberg decision that struck down an even larger portion of the foundation of partial-birth abortion statutes that had passed around the country, he wrote another letter to the district attorneys and told them the Alabama statute was unconstitutional.

Does that not prove what we are about here? It is not your personal belief but your commitment to law that counts?

What about the circumstance when he was accused of being too pro-religion? I do not think the facts show an abuse of his power in any way. In fact, he found himself in the very difficult circumstance in Alabama of being the attorney general and having the responsibility to prosecute or present the case against the sitting chief justice of the Alabama Supreme Court who placed the Ten Commandments in the supreme court building. The chief justice had been ordered to remove it by the Federal courts, and he did not remove it. Other judges removed it. Attorney General Bill Pryor presented that case, and Judge Moore was removed from office.

That was a big deal. It was a tough deal. Time after time, he has done that.

Priscilla Owen also is a nominee of the most extraordinary qualifications. She made the highest possible score on the bar exam in Texas. That is a big State and bar exams are not easy. She is a brilliant lawyer, highly successful in the private practice of law in Texas. They encouraged her to run for the supreme court. She did so. She won. The last time she ran, she received 84 percent of the vote in Texas. This is a professional lawyer/jurist, brilliant, hard-working, a woman of great integrity and decency. She has questioned the concept or the idea that judges have a right to go back and reinterpret the meaning of the Constitution or statutes and read into them whatever they like to make them agree with the judge's philosophy. Many today seem to think they are at liberty to do this. In fact, some judges go back and try to twist, bend, stretch the meaning of words to promote agendas in which they believe. Priscilla Owen does not believe in that and has spoken against it.

Her philosophy as a judge reflects restraint, and a dedication to following the law. That is what she has stood for, and she has been criticized roundly as being an extremist—a judge who received 84 percent of the vote and was endorsed by every newspaper in the State.

Judge Priscilla Owen also was rated by the American Bar Association unanimously well qualified, the highest rating they give. This is not an extremist.

What was it here? Outside groups who have made a history of identifying and attacking these nominees have mischaracterized her, just as they did Judge Pryor. Both of these nominees, for example, have tremendous support within their State, tremendous bipartisan support in conference.

That is why I am confident the 14 people who got together and reviewed this situation felt they could not leave her or the other two judges off this list. They just could not deny Janice Rogers Brown, Priscilla Owen, or Judge Bill Pryor an up-or-down vote. They were too decent, had too much of a good record, too many supporters in the African-American community, in the Democratic leadership of their States, and that is why they were given this vote.

I think perhaps we are now moving forward to a new day in confirmations. I hope so. We have been far too bitter in attacking good people. Records have been distorted dishonestly, particularly by outside groups and sometimes that has been picked up by Senators. My Democratic colleagues have outsourced their decisionmaking process at times, I am afraid. They have allowed the People for the American Way and Ralph Neas and the Alliance for Justice, the people who spend their lives digging up dirt, sullying people's reputations, twisting facts, taking cases out of context, taking statements out of context, taking speeches out of context, posturing and painting nominees as things they are absolutely not, to influence their decisions. It is wrong. Hopefully, we are now moving in a better direction.

I am also hopeful that as a result of this agreement, the nomination process in the future will go better. Maybe even issues such as transportation, energy, and defense will go better in this Congress. I hope so. I will try to do my part.

I want to say one thing, the constitutional option has not been removed from the table. We cannot allow filibusters to come back and be abused. We absolutely cannot. The majority should never allow that historic change

to occur while they have the ability to resist and that ability still exists. I believe the majority leader, BILL FRIST, is correct in that analysis. He has stated the ideals of this Senate. He has reminded us of the history and traditions of the Senate. He has reminded us that Republicans were faithful to that tradition and the Democrats need to be, too. So I hope we will be able to move forward with the consideration of more and more nominees as President Bush goes forward in his term, and that as we do so, they will be given a fair hearing. I hope that Senators on both sides of the aisle will look at the facts and allegations about nominees to make sure those are truthful, accurate, and fair characterizations of them, and not mischaracterizations, not distortions, not misrepresentations of what they are and what they have done. If we do that, we are going to be OK.

Let me say this about President Bush. He has gone to the American people. He has stated his case to them. He stated clearly and effectively he believes that judges should be committed to the rule of law, should follow the law, that they should not be activist, they should not seek to impose personal and political agendas through the redefinition of words of statutes or our Constitution. The American people have affirmed him in that.

The Senate obstruction and filibuster of Federal judges has been a big issue in the last two election cycles in this Senate, and Republicans have, as a result, in my opinion—it is my opinion, I will admit—picked up six new Senate seats. I think a large part of that is because people in these States have been concerned about the obstruction of good and decent nominees, and the people of this country are of the opinion that their liberties are in jeopardy when an unelected lifetime-appointed judge starts setting social policy. If they are not happy with my vote on social policy, I can be removed from office, but a judge has a lifetime appointment, and the American people understand that. They understand that an activist judge is, indeed, antidemocratic. It is an antidemocratic act when a judge, without accountability to the public, starts setting social and political policy, as we have seen too often in recent years.

As a result, I believe we need to return to our traditions that have served both sides well, and if we do that, we can move forward, I believe, to a better process on judges and other issues that come before this body. I am cautiously optimistic for the future.

I yield the floor and reserve the remainder of our time on this side.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I understand that by previous agreement, time is allocated; is that correct?

The ACTING PRESIDENT pro tempore. That is correct.

Mr. KENNEDY. And there is to be 1 hour for one side, 1 hour to the other side, prior to the leadership time?

The ACTING PRESIDENT pro tempore. There is 47 minutes remaining for the minority.

Mr. KENNEDY. Madam President, I yield myself 10 minutes.

First, I commend my friend and colleague, our leader, Senator REID, for his perseverance during these past several weeks and adherence to the great traditions of the institution of the Senate. It has been an extraordinary example of devotion to the Senate, to our Constitution, the checks and balances which are written into the Constitution. Our President has a veto, and the Members of Congress have the right to speak. There are those who would like to muzzle, silence, effectively cut off the debate in the Senate. With this agreement of last evening, that time, hopefully, has ended. It certainly has been for this Congress.

I was listening to some of my colleagues earlier. I read from the agreement about rules change:

> In light of the spirit and continuing commitments made in this agreement, we commit to oppose the rules changes in the 109th Congress, which we understand to be any amendment to or interpretation of the Rules of the Senate that would force a vote on a judicial nomination by means other than unanimous consent or rule XXII.

The current rule. There it is. Yet we heard the mention by the leader earlier this morning that he believes somehow the nuclear option is still alive and well.

It does seem to me the American people want to get about the American people's business. This has been an enormous distraction.

I listened to my friend and colleague from Tennessee who says we want to follow the rules and traditions of the Senate, so we are going back to the regular order. If we go back to the regular order, we are going back to the traditions and rules as they stand: You have the vote of every member on this side. That is not what the majority leader was talking about. He was talking about we will go back to the regular order; he was going to change the order with a whole series of changed rules.

That is what the members of this side and the courageous Republicans on the other side found offensive. We believe we ought to be about our people's business. We have approved 95 percent of the Republicans' nominees. I am sure some are, perhaps, pro-choice; many of them—probably most of them—are pro-life. They have still gone through. The real question is whether we are going to be stampeded and be silenced with regard to judges who are so far outside of the mainstream of judicial thinking that it was going to be the judgment of the majority leader that he was going to change the rules in a way that would deny the Senate's Parliamentarian, who has been the safeguarder of these rules for the 214 years of the Senate, and bring in the Vice President, who was going to rule according to his liking rather than to the traditions of the Senate.

That kind of abridgement, that kind of destruction, that kind of running roughshod over the Senate rules is offensive to the American people and offensive to us. It was avoided by the actions that were taken last evening in which our Democratic leader was the principal architect and supporter.

Yesterday was a day that will live in American history, and our grandchildren and their grandchildren will discuss what happened. They will do so with much more insight than we can today because they will know what the results of yesterday's agreements actually turned out to be. I hope that history will judge us well as an institution. We came close to having a vote that threatened the essence of the Senate and of our Government. It risked destruction of the checks and balances among the branches that the Framers so carefully constructed. It risked destruction of the independence of the judiciary, which is at the heart and soul of this issue. It risked an accumulation of power in the President that might have turned back the clock toward the day when we were subjects instead of citizens.

We have avoided that confrontation and have done so within the traditions of the Senate: discussion, debate, negotiation and compromise. Moderation and reason have prevailed. As in any compromise, some on each side are unhappy with specific aspects of the result, but the essence is clear. A majority of this body does not want to break its rules and traditions. Those rules and traditions will be preserved.

This body's self-regulating mechanisms will continue to be a moderating influence, not only within the body but also on the other House and the other branches of Government. Once again, the Senate has reminded the Chief Executive that we are not merely occupants of a beautiful building at the other end of Pennsylvania Avenue. We taught George Washington that lesson when we rejected one of his Supreme Court nominations. We taught Thomas Jefferson that lesson when we refused to convict an impeached Justice whose opinions Jefferson did not like. We taught Franklin Roosevelt that lesson when he tried to pack the Supreme Court. We taught Richard Nixon that lesson when he sent us a worse nominee after we defeated his first nominee for a Supreme Court position.

As even the Republicans in the agreement group said, this agreement should persuade the President to take more seriously the advice portion of the advice and consent. If the President understands the message and takes it to heart, his nominees will be better off, the courts will be better off, and the Nation will be better off.

Our principal goal was to preserve the ability of the Senate to protect the independence of the Federal courts, including the Supreme Court, and we

have succeeded in doing so. We have sent a strong message to the President that if he wants to get his judicial nominees confirmed, his selections must have a broader support from the American people.

As a result of this agreement, we can hope that no Senator will ever again pretend that the Constitution commands a final vote on every Executive nominee, for it has never done so and it does not do so now.

We can hope that no one will again pretend that there has never been a filibuster of a judicial nominee when they can look across the Senate floor at three Democratic Senators who witnessed the Republican filibuster against Justice Fortas and Republican Senators who participated in other judicial filibusters. We can hope that no one again will pretend that it is possible to break the fundamental Senate rule on ending a filibuster without shattering the basic bonds of trust that make this institution the world's greatest deliberative body.

I believe history will judge that we have not failed those who created America two centuries ago by what we have done. We have fought off those who would have destroyed this institution and its vital role in our Government for shameful partisan advantage. By rejecting the nuclear option, the Senate has lived up to its responsibilities as a separate and equal branch of Government.

I say to my colleagues on both sides of the aisle, that agreement does not change the serious objections to the nominations that have been debated in the past days. Those of us who care about the judiciary, who respect mainstream values, who reject the notion that judgeships are spoils to be awarded to political fringe groups, will continue to oppose the nomination of Priscilla Owen, Janice Rogers Brown, and William Pryor because they would roll back rights and freedoms important to the American people.

Now that these nominees are slated to get a vote on the floor, I hope courageous and responsible Republicans will show their independence from the White House and thoroughly examine the records of each of them. If they do, I hope they will agree that these nominees should not be given lifetime appointments to the Nation's courts, where they will wield enormous power over the lives of all Americans.

Those of us who oppose the nomination of Priscilla Owen have done so with good cause because her record makes clear that she puts her own ideology above laws that protect the American people. I have made that case. I just remind our colleagues of what the Houston Chronicle said. The Houston Chronicle, from her own area, wrote that her record shows less interest in impartiality and interpreting law than in pushing an agenda. She too often contorts rulings to conform to her particular conservative outlook. Those are not fringe groups. That is the Houston Chronicle.

Austin American-Statesman: Priscilla Owen is so conservative she places herself outside of the broad mainstream of jurisprudence and she seems all too willing to bend the law to fit her views.

Those are not leftwing fringe groups. That is the Austin American-Statesman.

San Antonio Express News: She has always voted with a small court minority that consistently tries to bypass the law as written by the legislature.

I have included at other times in the RECORD the 10 different occasions when the current Attorney General of the United States criticized Priscilla Owen for being outside of the mainstream of judicial thinking. I ask unanimous consent that six or eight of those, and the cases, be printed in the RECORD.

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

EXAMPLES OF GONZALES'S CRITICISMS OF OWEN

In one case, Justice Gonzales held that Texas law clearly required manufacturers to be responsible to retailers that sell their defective products. He wrote that Justice Owen's dissenting opinion would "judicially amend the statute" to let manufacturers off the hook.

In a case in 2000, Justice Gonzales and a majority of the Texas Supreme Court upheld a jury award holding that the Texas Department of Transportation and the local transit authority were responsible for a deadly auto accident. He explained that the result was required by the "plain meaning" of Texas law. Justice Owen dissented, claiming that Texas should be immune from these suits. Justice Gonzales wrote that her view misread the law, which he said was "clear and unequivocal."

In another case, Justice Gonzales joined a majority opinion that criticized Justice Owen for "disregarding the procedural limitations in the statute," and "taking a position even more extreme" than had been argued by the defendant in the case.

In another case in 2000, private landowners tried to use a Texas law to exempt themselves from local environmental regulations. The court's majority ruled that the law was an unconstitutional delegation of legislative authority to private individuals. Justice Owen dissented, claiming that the majority's opinion "strikes a severe blow to private property rights." Justice Gonzales joined a majority opinion criticizing her view, stating that most of her opinion was "nothing more than inflammatory rhetoric which merits no response."

Justice Gonzales also wrote an opinion holding that an innocent spouse could recover insurance proceeds when her co-insured spouse intentionally set fire to their insured home. Justice Owen joined a dissent that would have denied coverage of the spouse, on the theory that the arsonist might somehow benefit from the court's decision. Justice Gonzales' majority opinion stated that her argument was based on a "theoretical possibility" that would never happen in the real world, and that violated the plain language of the insurance policy.

In still another case, Justice Owen joined a partial dissent that would have limited the right to jury trials. The dissent was criticized by the other judges as a "judicial sleight of hand" to bypass the Texas Constitution.

Mr. KENNEDY. This is Attorney General Gonzales on the supreme court with Priscilla Owen, critical of her of being outside the mainstream. That is the point we have basically made.

This week, the American people are saying loudly and clearly that they are tired of the misplaced priorities and abuse of power by the rightwing. This agreement sends a strong message to the President that if he wants to get his judicial nominees confirmed, his selections need to have broad support from the American people.

Going forward on any nomination, the President must take the advice and consent clause seriously. The Senate is not a rubberstamp for the White House. The message of Monday's agreement is clear: Abuse of power will not be tolerated. Attempts to trample the Constitution will be stopped.

Over the last few weeks, the Republican Party has shown itself to be outside the mainstream, holding up the Senate over the judges while gas prices have jumped up through the ceiling, stubbornly insisting on the Social Security plan that cuts benefits and makes matters worse, passing a budget that offers plenty to corporations but little to students, nurses, and cops, and running roughshod over ethics rules. These are not the priorities of the American people. The American people want us to get back to what is of central concern to their lives, the lives of their children, their parents, and their neighbors. That is what we ought to be about doing, and preserving the Constitution and the rules of the Senate. The agreement that was made in a bipartisan way does that, and it should be supported by our colleagues in the Senate.

I reserve the remainder of our time.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

Mr. GRAHAM. Madam President, No. 1, there has been a lot said about last night. I was one of the signatories of the agreement. I think last night gives us a chance to start over. Seldom in life do people get a chance to start over and learn from their mistakes.

There have been some mistakes made for about 20 years on judges, and it finally all caught up with us. It started with Judge Bork. He was the first person I can remember in our lifetime who was basically subjected to "how will he decide a particular case," and he was attacked because of his philosophy, not because of his qualifications. It has just gotten worse over time. Clarence Thomas—we all remember that.

The truth is, when the Republicans were in charge of the Judiciary Committee, there is a pretty good case to be made that some of President Clinton's nominees were bottled up when we had control of the Judiciary Committee, and they never got out into the normal process.

Where do we find ourselves now? It started with an attack on one person because people did not like the philosophy of that person, which was new for the Senate. Before that, when a judge

was sent over, we looked at whether they were qualified ethically and intellectually.

One has to understand that there is a consequence to an election. When a President wins an election, that President has a right to send nominees over to the Senate for Federal courts. It has always been assumed that conservative people are going to pick conservative judges, and moderate and liberal people are going to be somewhere in the middle. That has worked for 200 years.

The bottom line is, the President can send over somebody who they think is conservative, and they can be fooled. They can send somebody they think is liberal, and over a lifetime they may change. What we have been able to do as a body is to push back but eventually give people a chance to be voted on.

I was a ''yes'' vote. Senator DEWINE and myself were ready to vote for the nuclear option this morning if we had to, the constitutional option. It can be called whatever one wants to call it, but it would have been a mess for the country. It would have been better to end this mess now than pass it on to the next generation of Senators because if the filibuster becomes an institutional response where 40 Senators driven by special interest groups declare war on nominees in the future, the consequence will be that the judiciary will be destroyed over time. People can get rid of us every 6 years, thank God, but once a judge is put on the bench, it is a lifetime appointment. We should be serious about that.

We should also understand that people who want to be judges have rejected the political life, and when we make them political pawns and political footballs, a lot of good, qualified men and women who are moderate, conservative, or liberal will take a pass on sitting on the bench. If the filibuster becomes the way we engage each other on judges, if it becomes the response of special interest groups to a President who won who they are upset with, the Senate will suffer a black eye with the American people, but the judiciary will slowly but surely become unraveled.

That is why I think we have a chance to start over. That is why I voted for us to start over, and I hope we have learned our lesson.

As to Priscilla Owen, it is the most manufactured opposition to a good person I have seen short of Judge Pickering, only to soon-to-be Judge Pryor and a close third is Justice Brown. What has been said about these people is beyond the pale. They have been called Neanderthals. If one has somebody they know and care about and they are thinking about being a judge, I think they need to be given fair warning that if they decide a case that a special interest group does not like, a lot of bad things are going to be coming their way.

Do we really need to call three people who have graduated near the top of their class, who have had a lifetime of service to the bar, Neanderthals? We have a chance to start over, and we better take it, because one thing the American people have from this whole show is that the Senate is out of touch with who they are and what they believe because we have allowed this thing to sink into the abyss. Priscilla Owen got 84 percent of the vote in Texas, and JOHN CORNYN knows her well. He served with her. She graduated at the top of her class; scored the highest on the bar exam. She has been a solid judge. What has been said about her has been a cut-and-paste, manufactured character assassination. Whether she is in the mainstream, the best way to find out is when people vote. When Priscilla Owen finally gets a vote here soon, you are going to see she is very much in the mainstream, if a supermajority of Senators count for anything. She is going to get votes. She is going to get a lot more than 50 of them. So is Judge Pryor.

The problem I have had with Bill Pryor and the way he has been handled is that he is the type person I grew up with. He is a conservative person. He is a good family man. But he has made some calls in Alabama that are unbelievably heroic, when it comes to politics and the law. Being for the Ten Commandments is a big deal in Alabama. Judge Moore, Justice Moore took that and rode that horse and beat it to death and it got to be a hot issue in Alabama and it got to be a hot issue all over the country. The attorney general of Alabama, Bill Pryor, followed the law and took on Justice Moore. He didn't have to, but he chose to.

At every turn he has proved to me he is bigger than the political moment. When he gets voted on, I am going to take this floor and we are going to talk a little bit longer about him. The people in Alabama across the board should be proud of Bill Pryor. He is going to make a heck of a Federal judge.

Now, where do we go? This agreement was among 14 Senators who believed that starting over would matter—14 Senators from different regions of the country, supported by their colleagues in a quiet fashion, more than you will ever know. What happens in the future depends on all of us working together. It depends on trust and good faith. The White House needs to talk with us more, and they will. Our Democratic friends need to understand that the filibuster as a tool to punish George W. Bush is not going to sustain you very long and will put you on the wrong side of the American people and will eventually destroy the judiciary.

The agreement says that in future nomination battles, the seven Democrats will not filibuster unless there are extraordinary circumstances. What does that mean? Well, we will know it when we see it. It means we will keep talking. It means they don't have to lay down in the road if there is a Supreme Court fight. There is going to be a Supreme Court nomination coming, probably soon, and that is what this is about. But our seven Democratic colleagues decided to find a middle way to bring some calm to the body. I think we can get a conservative justice nominated and confirmed if we try hard. Nobody should expect anything less from George W. Bush. But there is a way to get there from here and I do believe the seven Democrats who signed this agreement will work very hard to make that happen along with all Senators at the end of day.

But if there comes a point in time in the future when one of the seven Democrats believes this person before them is so unacceptable they have to get back in the filibuster business, here is what it means to the Republicans—because I helped write the language. It means we will talk, we will listen, and we will discuss why they feel that way. But it means I am back in the ball game. If one of the seven decides to filibuster and I believe it is not an extraordinary circumstance for the country, for the process, then I have retained my rights under this agreement to change the rules if I think that is best for the country. That is only fair. My belief is we will never have to cross that bridge. But those who say this is a one-sided deal misrepresent what happened in that room. This is about moving forward, avoiding conflict in the future by talking and trusting.

But there may come a time, and I hope to God it doesn't happen, where we go different directions. The only reason we will ever go different directions is that we will start playing politics again and lose sight of the common good.

The two nominees who were in category two I think will get back in the process in a fair way. The truth is all of the nominees were never going to make it. There are some Republicans who will vote against some of these nominees. But they all deserve a fair process and they all deserve to be fairly treated. None of them deserve to be called Neanderthals.

It is my hope and my belief we will get this group of nominees fairly dealt with. Some are going to make it and some will not. But they will get the process back to the way it used to be. As to the future, it is my belief that by talking and working together in collaboration with the White House, we can pick Supreme Court Justices, if that day ever comes, so that everybody can be at least happy with the process, if not proud of the nominee. That is possible because we have done it for 200 years. But please don't say, as a Democrat, you can do anything you want to do in the 109th Congress and nothing can happen, because that is not true.

I have every confidence we can get through this mess, but there is no agreement that allows one side to unilaterally do what it would like to do and the other side be ignored. Because if that were the case, it wasn't much of an agreement.

I look forward to voting for Justice Owen, I look forward to voting for

Judge Pryor, I look forward to voting for Justice Brown, and putting to rest the idea that these nominees were out of the mainstream.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Before my friend and colleague from South Carolina leaves, I want to congratulate him and my colleagues on both sides of the aisle for bringing us to this point. The most important point about what has happened in the last 12 hours is we have maintained the checks and balances in the Senate. We are retaining the ability for minority views to be heard. That is most important.

It is not always Democrats versus Republicans. It could be little States, such as the State of my friend from Delaware, whom I see on the floor, versus Michigan or California. It could be different groups of people. It could be Great Lakes Senators banding together to protect our Great Lakes versus others who want to divert water. It could be a variety of issues.

The fact that the Senate is the place we can come together and minority views can be heard is a part of our democratic process. It is a part of our democracy that has held us together for over 200 years. I commend my colleagues for standing up and saying no to eliminating the filibuster and no to eliminating the checks and balances of our Government.

It involves some compromise, as these agreements always do. While I personally will not support the nomination of the person before us today, I understand that in order to maintain the broad principle of checks and balances in the Senate, in order to allow us to exercise our minority views at a future point if there are extreme nominees coming forward, this was an important compromise to make.

Part of that is an important piece that Senator LEVIN and I contributed to the process of allowing the Senate to move forward on three nominees of the Sixth Circuit from Michigan. So there are compromises that have been made in the interests of the larger good, in the interests of maintaining the checks and balances, the ability for us to work together on both sides of the aisle to get things done for the American people. That is why we are here.

Now we need to get about the business of getting things done for people. When I go home every weekend, when I talk to my family in Michigan, when I talk to everyone I represent—families all across Michigan, they say, We want you to focus on jobs, American jobs. We want our jobs here. We want to reward work in this country and know that when we work hard every day and play by the rules, we are going to be able to care for our families and that we have respect for the dignity of work and that we will reward Americans who are working hard every day.

They say to me they are desperately concerned about their pensions. Look what is happening. We in this body need to be focusing on protecting the pensions, the retirement security of all the Americans who worked all their lives. They put that money aside and they count on that pension in retirement for themselves and their families. Now they are seeing that American dream eroded. Pension security, strengthening Social Security, making sure health care is available to every American—these are the issues that, in this body, we need to be working on together because they directly affect every single person we represent.

I am hopeful we will now be able to put this aside and we will be able to move on with the people's agenda for this country, creating opportunities for everybody to succeed, rewarding work, making sure we are protecting and expanding American jobs and American businesses, making sure we are energy independent.

We will be having legislation brought before us shortly. I know there is important bipartisan work going on. But we need to say we are going to be independent in terms of energy resources and that we are going to move forward as well on issues that relate to national security—not only a strong defense abroad but making sure our police officers and firefighters have what they need, and our emergency responders, so that we have security at home. When somebody calls 911, they will know they are going to get the response they need in terms of their security.

We have a lot of work to do. People are expecting us to get about the people's business. I am very proud that last night our leader on this side of the aisle, the Democratic leader, Senator REID, spoke to those issues. In praising where we are now, the fact that we will continue to have the rules and checks and balances of the Senate, he also then spoke about the fact that we have to get about the people's business because every day when people get up in the morning they are wondering what is going to happen that day for themselves and their families.

It is our job to do everything we can to make sure their hard work is rewarded and opportunities for the future, for our children and grandchildren, are protected. This is a fight for the future. It is a fight about where we need to go as a country. Our families are counting on us to turn to the things they care about every day. The values and priorities of the American people need to be what we are talking about and acting on in this Chamber. I am hopeful we will very quickly turn to those matters: jobs, health care for every single American, opportunities for our kids to be successful, energy independence, a strong defense here and abroad. If we do that, then we will be able to hold our heads high, because we will have done those things that matter most to the families we represent.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Madam President, when I was in college and law school, there was a character played by the actress Gilda Radner on ''Saturday Night Live,'' who was known best for purporting to do the news and would engage in this screed about some subject, and then she would be corrected, only to have her then reply, ''Never mind.''

I thought about that when I have contemplated the occurrences of the last few days, particularly the last day when it came to the sort of apocalyptic terms that were used as we approached breaking the logjam over the President's long-delayed judicial nominees. But for this secret negotiation conducted by 14 Senators that none of the rest of the Senate was a party to, we would be, I believe, about the process of reestablishing the precedent of majority rule that had prevailed for 214 years in the Senate, that would say any President's nominees, whether they be Republican or Democrat, if they have the support of a majority of the Senate, will get an up-or-down vote in the Senate. Senators who believe these nominees should be confirmed can vote for them and those who believe they should not be confirmed can vote against them.

I was not a party to the negotiations and what happened in this room off the Senate floor, but I do have some concerns I wanted to express about what has happened.

It is important to recognize what this so-called agreement among these 14 Senators does and what it does not do. First of all, one of the things it does, it means that at least three of the President's nominees—Bill Pryor, Janice Rogers Brown, and Priscilla Owen—will get an up-or-down vote on the Senate floor and that they will be, I trust, confirmed to serve in the Federal judiciary.

What this agreement by these 14 Senators does not do, it does not give any assurance that other nominees of the President—Mr. Myers, in particular, and others—will get an up-or-down vote that they deserve according to the common understanding of the Senate for more than 200 years by which those who enjoyed majority support did get that vote and did get confirmed.

What this agreement says, we are told, is that seven Democrats and, presumably, seven Republicans reserve the right to filibuster judicial nominees under extraordinary circumstances, but we are left to wonder what those extraordinary circumstances might be. What makes me so skeptical about this agreement among these 14 is that extraordinary circumstances are in the eye of the beholder.

Looking at the litany of false charges made against Priscilla Owen for the last 4 years makes me skeptical that any nominee, no matter how qualified, no matter how deserving, that under appropriate circumstances our colleagues, some of our colleagues, will find the circumstances extraordinary and still reserve unto themselves what

they perceive as their right to engage in a filibuster and deny a bipartisan majority our right to an up-or-down vote.

It is clear to me this agreement among these 14 to which 86 Senators were not a party does not solve anything. What it does do is perhaps delay the inevitable. Senator DEWINE, in particular, one of the signatories of this agreement, says this is an effort to break the logjam on these three nominees, hopefully, change the standard by which at least seven Senators on the other side of the aisle will engage in a filibuster, and perhaps start anew.

I hope Senator DEWINE is correct in his reading and his understanding of this agreement. I was not a party to it; presumably, 84 Senators were not a party to it. Negotiations took place in a room where I didn't participate, where the American people were not given the opportunity to listen and judge for themselves.

The thing that disturbs me most about this temporary resolution, if you can call it that, is that while 7 Republicans and 7 Democrats were a party to this agreement, a product of these negotiations, the fact is that the 7 Republicans of this 14 would have agreed to close off debate and would have agreed to allow an up-and-down vote, while it is clear that the 7 Democrats would not have agreed otherwise to withhold the filibuster and allow an up-or-down vote.

What reminds me so much of Roseanne Rosannadanna on Saturday Night Live and Gilda Radner, now in effect what they are saying after 4 years of character assassination, unjustified attacks, and a blatant misrepresentation of the record of these fine nominees, they are saying, in effect, never mind, as if it never happened. But it did happen. It is important to recognize what has happened. It is a blight on the record of this body, and it is further evidence of how broken our judicial confirmation process has been.

I have nothing but admiration for the courage of our majority leader in bringing us to this point. I believe if he had not had the courage and determination—and, I might add, our assistant majority leader, MITCH MCCONNELL—if our leadership had not had the determination to bring us to this point, I have no doubt that we would not have reached at least this temporary resolution. They are entitled to a whole lot of credit for their courage and their willingness to hold the feet to the fire of those in the partisan minority who would have denied a bipartisan majority the right to an up-and-down vote on these nominees.

This agreement of these 14 Senators delays but does not solve the problem. Of course, we all anticipate that before long, there will be a Supreme Court vacancy which will test this definition of what these 14 call extraordinary circumstances. I wonder whether this standard will be applied to the other nominees who were not explicitly covered by this agreement; that is, other nominees who have been pending for years who were not given, as Justice Owen, Justice Brown, and Judge Pryor have been, the opportunity for an up-or-down vote.

Let me say I hope I am wrong. But there is plenty of reason to be skeptical about this so-called agreement of these 14. Perhaps we will see a triumph of hope over experience, but our experience over the last 4 years has been a bad one and one which I don't think reflects well on the Senate.

I hope I am wrong. I hope what has been established is a new precedent that says that the filibuster is inappropriate and will not be used against judicial nominees because of perceived difference in judicial philosophy, that people who have certain fundamental convictions will not automatically be disqualified from judicial office. I hope that is where we are. As we know, though, extraordinary circumstances could be interpreted by some to mean that if you can vilify and demonize a nominee enough, that, indeed, the filibuster continues to be justified. We know from the false accusations made against too many of President Bush's nominees how easy that is to do.

After $10 million—that is one estimate I have heard—in the various special interest attack ads have been run against Priscilla Owen and Janice Rogers Brown and others, after $10 million or more, perhaps, the American people are told, never mind, we did not really mean it; or even if we did mean it, you are not supposed to take us seriously because what this is all about is a game.

This is about the politics of character assassination, the politics of personal destruction. In Washington, perhaps people can be forgiven for believing that happens far too much. Indeed, that is what has happened with these fine nominees. But now they are told, particularly in the case of Justice Owen, after 4 years, never mind, all the things that were said about you, all the questions raised are beside the point, and you are not going to serve on the Fifth Circuit Court of Appeals after waiting 4 years for an up-or-down vote.

I worry some nominees in the future will simply say: I am not going to put my family through that. I think about Miguel Estrada, who waited 2 years for an up-or-down vote with the wonderful American success story, but after 2 years he simply had to say: I can't wait anymore. My reputation cannot sustain the continued unjustified attacks. I am simply going to withdraw.

Unfortunately, when we have good men and women who simply say, I can't pay the price that public service demands of me and demands of my family, I fear we are all losers as a result of that process.

I am skeptical of this agreement made by 14 after secret negotiations that we were not a party to. Perhaps I am being unduly skeptical. I hope I am wrong. I hope what has happened today and I hope we are reassured over the hours and days that lie ahead that what has been established is a new precedent, one that says we will not filibuster judicial nominees, we are not going to assassinate their character, we are not going to spend millions of dollars demonizing them.

I hope I am wrong and that we have a fresh start when it comes to judicial nominations. The American people deserve better. These nominees deserve better. This Senate deserves better than what we have seen over the last 4 years.

I yield the floor.

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from Delaware.

Mr. CARPER. Mr. President, a week ago, I stood in this Chamber and I reminded Members to look back some 200 years. The issue of how we are going to nominate and confirm judicial appointees is not a new issue. At the 1787 Constitutional Convention in Philadelphia, there were many issues to resolve. One of the last issues resolved was, who is going to select these Federal judges to serve a lifetime appointment?

Ben Franklin led the forces on one side in an effort to try to curb the powers of this President we are going to establish to make sure we did not have a king in this country. And Ben Franklin and those who sided with him said the judges ought to be selected by the Senate, by the Congress.

There was another school of thought that prevailed as well in the Constitutional Convention, those forces led by Alexander Hamilton. Hamilton and his allies said: No, the President should choose the people who are going to serve lifetime appointments to the Federal bench.

In the end, a compromise was proposed and voted on. Here is the compromise: The President will nominate, with the advice and consent of the Senate, men and women to serve lifetime appointments to the Federal bench. That compromise was voted on. It was defeated. They wrangled for a while longer and came back and they voted on the same compromise again. It was defeated. They went back and wrangled among themselves and came back and voted a third time on the same compromise. And it was accepted. That was 1787.

A lot of years have passed since then, and this issue, this check and balance that was embedded in our Constitution, is one we have revisited over and over again. We did it this week. It was a big issue when Thomas Jefferson was President, the beginning of his second term when he sought to stack the courts and was rebuffed by his own party. That was in the 1800s. It was a big issue in the 1900s when FDR, at the beginning of his second term, sought to stack the courts, pack the courts. He, too, was rebuffed largely by his own party.

Is this compromise hammered out over the last couple of weeks going to

last forever? My guess is probably not. Just as this has been an issue of contention for over 200 years, it is probably going to be a source of controversy for a while longer.

My friend from Texas, who spoke just before me, talked about the mistreatment of those who have been nominated to serve on the Federal bench by President Bush over the last 4 years. He mentioned a number, as it turns out, about 10 out of over 200, who were confirmed over the last 4 years. He mentions the 10 who, frankly, have had their lives disrupted, and in some cases were held up to poor commentary in the public and in the Senate with respect to their worthiness to serve on the bench for a lifetime appointment.

I like to practice treating other people the way I want to be treated. I know most of us try to live by that credo. Sometimes we fall short. I know I do. But I think just to be fair we ought to go back to the first 4 years of when Bill Clinton was President. It was not just 5 percent of his nominees who were not confirmed. Some 19 percent of his nominees were not confirmed. It was not that they were denied a vote on the floor, they never got out of committee.

One person—one person—could put a hold, stop a nominee from even having a hearing in the Senate Judiciary Committee. A handful of Senators in the committee could deny a nominee ever coming out of committee to be debated and voted on in the Senate. And somehow the idea that Bill Clinton could only get 81 percent of his nominees confirmed the first 4 years was OK for some, but yet a 95-percent approval rate for this President's nominees in his first 4 years was unacceptable. I see an irony there. I hope others do, too.

Let me talk about the compromise that is before us. Most compromises I have been familiar with, frankly, do not leave either side especially happy for the final result. And that certainly is true in this case as well. But in the final analysis, the center of this body has held, barely, but it has held. A critical element of our Nation's system of checks and balances has been tested, but it still lives. For that, most of us should be happy—and if not happy, we should at least be relieved.

I believe the path to a productive legislative session has been reopened, too. And almost like Lazarus rising from the grave, I think prospects for arriving at a middle ground on a whole range of issues we face has a new lease on life. We need to transfer the trust that I hope has grown out of this negotiation among the seven Democrats and seven Republicans. I salute them all for the good work they have done. I am not going to get into naming names, but they know who they are, and I am grateful to each of them.

But what we need to do, as a body, as a Senate, is to transfer some of the trust that is a foundation of this agreement. We need to capture that trust and turn it to addressing some of the most pressing issues that face America: our huge and growing dependence on foreign oil, an enormous trade deficit and budget deficit, reining in the growth of health care and trying to make sure more people have health care available, winning this war on terrorism, and finding ways to improve our Nation's air quality. All those issues beg to be addressed.

For this Senator, the good news that comes out of this agreement over the last 24 hours is that now we can turn to our Nation's business. We can get back to work. We need to. America wants us to.

For the President and our friends in the White House, let me say, in going forward on judicial nominees, if you will consult with the Congress—Democrats and Republicans—we can actually approve most of those nominees. If this President will nominate mainstream judges, conservative judges—I expect them to be Republicans—if he will nominate those, for the most part, if they are not outside the mainstream, they will be approved. If the President will actually consult with the Senate, as the Constitution calls for, we will be better off, he will be better off, and, frankly, our Nation will be better off.

The same applies to the legislative agenda that is now before us. For if the administration, the President, will work not just with Republicans but with Democrats, too, we can make real progress, and when we look back on the 109th Congress, we can say, with pride, that we got a lot done that needed to get done.

I yield back the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, how much time is remaining on this side?

The PRESIDING OFFICER. Under the previous order, debate will continue until 11:40. The minority side has 20 minutes remaining. The majority side has 1 minute remaining.

Mr. LEAHY. I thank the distinguished Presiding Officer, my neighbor across the Connecticut River.

Mr. President, last night I spoke, praising the Senators on both sides of the aisle who came together to avert the so-called nuclear option. I see on the floor the distinguished Senator from Pennsylvania, the chairman of the Senate Judiciary Committee. I think those Senators have made his and my work a lot easier. I also commend the distinguished Senator from Delaware for his comments.

This President, with the compliance of the Republican majority, has tried to push the Senate across an unprecedented threshold that would forever change and weaken this body. This move would have stripped the minority of the crucial rights that have been a hallmark of this chamber, and it would have fundamentally altered the brilliant system of checks and balances designed by the Founders.

This misguided bid for one-party rule, the nuclear option, has been deterred for now. This ill-advised power grab was thwarted through the work and commitment of a bipartisan group of 14 Senators who have prevented the Republican majority leader from pulling this potentially devastating trigger. Pursuant to that agreement, I expect a few Democrats who had previously voted against cloture on the Owen nomination in the last Congress to vote in favor of cloture today. I understand that they are taking this action to save the Senate from the nuclear option and to preserve the filibuster.

This Republican tactic put the protection of the rights of the minority in this chamber in serious risk. That protection is fundamental to the Senate and to the Senate's ability to act as a check and balance in our national government. That protection is essential if we are to protect the independence of the Judiciary and the Judiciary is to remain a protector of the rights of all Americans against the overreaching of the political branches.

I will continue to work in good faith, as I have always done, to fulfill the Senate's constitutionally-mandated role as a partner with the Executive branch in determining who will serve in the Judiciary. I urge all Senators to take these matters to heart and to redouble our efforts to invest our advice and consent responsibility with the seriousness and scrutiny it deserves. As I have said before, just as Democratic Senators alone could not avert the nuclear option, Democratic Senators alone cannot assure that the Senate fulfills its constitutional role with the check and balance on the Executive. I believe Republican Senators will also need to evaluate, with clear eyes, each of the President's nominees for fitness. If they have doubts about the suitability of a nominee to a lifetime judicial appointment, well, they can no longer look the other way and wait for Democratic Senators to save them from a difficult vote. And there will be a number of difficult votes on the horizon on a number of problematic nominees. There may be even more.

But I also remind everybody that while the Senate is supposed to serve as a check and balance, the whole process begins with the President. I have served here with six Presidents. Five of them have consulted with the Senate and worked with the Senate. President Ford, President Carter, President Reagan, former President Bush, and President Clinton have done that. Frankly, if this President would work with Senators on both sides of the aisle to identify and nominate consensus choices, we can easily add to the tally of 208 confirmations. If the White House will take the view that the President should be a uniter and not a divider, then we can make significant progress.

The design of checks and balances envisioned by the Founders has served us well for over 200 years, and the agreement made last night has preserved it.

Judicial nominations are for lifetime appointments to what has always been revered as an independent third branch of Government, one that while reliant on the balance between the executive and legislative branches, is actually controlled by neither.

For more than two centuries, these checks and balances have been the source of our Government's stability. It has been its hedge against tyranny. We have to preserve them in the interests of the American people. We do that so the courts can be fair and independent. We should not look at our Federal judiciary as being a Democratic judiciary or a Republican judiciary. It should be independent of all of us because they are the backstop to protect the rights of all Americans against encroachment by the Government. And all Americans have a stake in that, no matter who may control the Government at any given time.

The Senate remains available as a rudder that checks against abuse of power, and as a keel that defends the independence of the judiciary. As the distinguished senior Senator from West Virginia, Mr. BYRD, noted last night, the Senate has answered the call sounded by Benjamin Franklin at the conclusion of the Constitutional Convention by preserving our democracy and our Republic, as the Senate has been called upon to do so many times before.

Now we have before us the controversial nomination of Priscilla Owen. I will probably speak to this nomination more after the cloture vote, the cloture vote which now is a foregone conclusion. For some reason we are still having it, but there is no question, of course, that the Senate will now invoke cloture.

Three years ago, after reviewing her record, hearing her testimony, and evaluating her answers, I voted against her confirmation, and I explained at length the strong case against confirmation of this nomination. Nothing about her record or the reasons that led me then to vote against confirmation has changed.

I believe she has shown herself over the last decade on the Texas Supreme Court to be an ends-oriented judicial activist, intent on reading her own policy views into the law. She has been the target of criticism by her conservative Republican colleagues on the court, in a variety of types of cases where the law did not fit her personal views, including in cases where she has consistently ruled for big business and corporate interests in cases against workers and consumers.

The conservative Republican majority of the Texas Supreme Court has gone out of its way to criticize her and the dissents she joined in ways that are highly unusual and in ways which highlight her ends-oriented activism.

In FM Properties v. City of Austin, the majority called her dissent ''nothing more than inflammatory rhetoric.''

In Montgomery Independent School District v. Davis, the majority, which included Alberto Gonzales and two other appointees of then-Governor George W. Bush, is quite explicit in its view that Justice Owen's position disregards the law and that ''the dissenting opinion's misconception . . . stems from its disregard of the procedural elements the Legislature established,'' and that the ''dissenting opinion not only disregards the procedural limitations in the statute but takes a position even more extreme than that argued for by the board. . . .''

In the case of In re Jane Doe, the majority includes an extremely unusual section explaining its view of the proper role of judges, admonishing the dissenters, including Justice Owen, for going beyond their duty to interpret the law in an attempt to fashion policy. In a separate concurrence, then-Justice Alberto Gonzales says that to construe the law as the dissent did ''would be an unconscionable act of judicial activism.''

I understand he now says that when he wrote that opinion he was not referring to her. I recognize why he is saying that. Of course, he has to defend not Governor Bush's appointment but now President Bush's nomination. But a fair reading of his concurring opinion leads me to see it as a criticism of the dissenters, including Justice Owen. And he admitted as much in published statements in the New York Times before Justice Owen's first hearing before the Judiciary Committee.

In the case of In re Jane Doe III, Justice Enoch writes specifically to rebuke Justice Owen and her fellow dissenters for misconstruing the legislature's definition of the sort of abuse that may occur when parents are notified of the minor's intent to have an abortion, saying:

> Abuse is abuse; it is neither to be trifled with nor its severity to be second guessed.

In Weiner v. Wasson, Priscilla Owen went out of her way to ignore Texas Supreme Court precedent to vote against a young man injured by a doctor's negligence. The young man was only 15 years old. Her conservative Republican colleagues on the court, led by then-Justice JOHN CORNYN—now the junior Senator from Texas—lectured her about the importance of following that 12-year-old case and ruling in the boy's favor, calling the legal standard she proposed ''unworkable.''

In Collins v. Ison-Newsome, yet another case where Justice Owen joined a dissent criticized by the majority, the court was offended by the dissenters' arguments. The majority says the dissenters agree the court's jurisdiction is limited, ''but then argues for the exact opposite proposition. . . . This argument defies the Legislature's clear and express limits on our jurisdiction.''

These examples show a judge out of step with the conservative Republican majority of the Texas Supreme Court, a majority not afraid to explain the danger of Priscilla Owen's activist views.

Justice Owen has made other bad decisions where she skews her decisions to show bias against consumers, against victims, and against just plain ordinary people, as she rules in favor of big business and corporations. In fact, according to a study conducted last year by the Texas Watch Foundation, a nonprofit consumer protection organization in Texas, over the last 6 years, Priscilla Owen has not dissented once from a majority decision favoring business interests over victims, but has managed to differ from the majority and dissent in 22 of the 68 cases where the majority opinion was for the consumer.

As one reads case after case, her legal views in so many cases involving statutory interpretation simply cannot be reconciled with the plain meaning of the statute, the legislative intent, or the majority's interpretation.

This all leads to the conclusion that she sets out to justify a preconceived idea of what the law ought to mean. This is not an appropriate way for a judge to make decisions, but it is a way for a judge to make law from the bench—an activist judge.

Justice Owen's activism and extremism is noteworthy in a variety of cases, including those dealing with business interests, malpractice, access to public information, employment discrimination and Texas Supreme Court jurisdiction, in which she writes against individual plaintiffs time and time again, in seeming contradiction of the law as written. A few examples of this include:

FM Properties v. City of Austin, where Justice Owen showed her willingness to rule in favor of large private landowners against the clear public interest in maintaining a fair regulatory process and clean water. Her dissent, which the majority characterized as, ''nothing more than inflammatory rhetoric,'' was an attempt to favor big landowners. At her first hearing, and since, Justice Owen and her supporters on the Committee have tried to recast this case as something more innocent, but at the time she wrote her dissent, Justice Owen was certainly clear about the meaning of this case—property rights for corporations.

GTE Southwest, Inc. v. Bruce, is another example where Justice Owen wrote in favor of GTE in a lawsuit by employees for intentional infliction of emotional distress. Despite the majority's recitation of an exhaustive list of sickening behavior by the supervisor, and its clear application of Texas law to those facts, Justice Owen wrote a concurring opinion to explain that the conduct was not, as the standard requires, so outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency. The majority opinion shows Justice Owen's concurrence advocating a point of view that ignores the facts in evidence in order to reach a predetermined outcome in the corporation's favor.

City of Garland v. Dallas Morning News, Justice Owen dissented from a majority opinion and, again, it is difficult to justify her views other than as

based on a desire to reach a particular outcome. In this case, she seeks to shield government decision-making from public view.

Quantum Chemical v. Toennies, another troubling case where Justice Owen joined a dissent advocating an activist interpretation of a clearly written statute, this time in the context of employment discrimination. The majority concluded that they must rely on the plain language of the statute as amended, which could not be any clearer that under Title VII discrimination can be shown to be a motivating factor, contrary to Justice Owen's more activist view.

Mr. President, I said time and time again that when somebody walks into a Federal court, they should not have to say, I may be treated one way because I am a Republican and a different way because I am a Democrat, or one way because I am a plaintiff and a different way because I am a defendant, or one way because I am rich, and a different way because I am poor. They should be treated on the merits of the case, no matter who they are.

In Priscilla Owen's case, it was almost predetermined how she would rule based upon who you are. The rich and powerful are protected. The poor or those hurt by the rich and powerful—she is going to rule against you. This is judicial activism.

After all these years, I am sure the President will get the votes to put Priscilla Owen on the court. But would it not have been better to have nominated somebody who would unite us and not divide us?

Last night, 14 Senators—7 Republicans and 7 Democrats—said: We will protect the Senate, actually protect the Constitution, protect advice and consent, and protect the checks and balances by giving the death knell to this so-called nuclear option. That was a good first step. But I urge the President to look at what was also said in that agreement. They called upon the President to now finally work with Senators from both parties in these lifetime appointments. No political party should own our Federal courts. In fact, no political party should be able to control our Federal courts. Let us work together to have courts that actually work, that are independent of the executive, independent of being swayed, and are truly independent. We can do that and call on the President to do what every President since I have been here—the five before him—has always done, and that is work with both Republicans and Democrats, work to unite us, not divide us.

The PRESIDING OFFICER. Under the previous order, Member time is reserved until 11:40, and the time between 11:40 and 12 o'clock is reserved for both the majority and minority leaders.

Mr. LEAHY. Mr. President, I yield the balance of my time to the Democratic leader to use as he wishes.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. REID. Mr. President, I ask unanimous consent that the couple of extra minutes be divided between the majority leader and me.

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

Mr. REID. Mr. President, in my remarks this morning, I will speak very briefly about the Priscilla Owen nomination and, more generally, about the negotiations that led to the defeat of the so-called nuclear option. As I said this morning, the nuclear option is off the table, and we should stop talking about it after today. I continue, though, to oppose the nomination of Priscilla Owen for the U.S. Court of Appeals.

As a member of the Texas Supreme Court, Justice Owen has consistently ruled for big business, corporate interests, and cases against workers and consumers. Her colleagues on the Texas court, including the man who is now Attorney General of the United States, Alberto Gonzales, have criticized her decisions. Judge Gonzales even called one of her opinions an act of ''unconscionable judicial activism.'' In case after case, her record marks her as a judge who is willing to make law from the bench rather than following the language of the statute and the intent of the legislature. Even on the conservative Supreme Court of Texas, Justice Owen is a frequent dissenter, and her opinions reveal an extreme ideological approach to the law.

As a result of the agreement announced last night, it is clear that this nominee will receive an up-or-down vote. I intend to vote against her confirmation. I urge my colleagues to do so as well. I specifically urge my Republican colleagues to render an independent judgment on this, and the other nominations will follow in the months to come. I am confident they will.

If Justice Owen is confirmed as a Federal judge, I hope she surprises those of us who have fought her nomination. Perhaps her experience as a judicial nominee has exposed her to a broader range of views, and that experience may make her more sensitive to concerns regarding privacy, civil rights, and consumer rights. I have never questioned her intellectual capabilities.

The agreement that will allow Justice Owen to receive an up-or-down vote also had the effect of taking the nuclear option off the table for this Congress and, I think, in our lifetime. I wish to review what I believe was at stake in this debate. The agreement makes clear that the Senate rules have not changed. The filibuster remains available to the Senate minority, whether it be Democrat or Republican.

Last night, the seven Democrats agreed that filibusters will be used only in extraordinary circumstances. In my view, the fact that there have been so few out of the 218 nominations in the last 4 years means that filibusters already are rare.

In any event, the agreement provides that ''each signatory must use his or her own discretion and judgment in determining whether [extraordinary] circumstances exist.'' This, of course, is a subjective test, as it always has been.

The 14 Democrats and Republicans who entered into the agreement last night, and the rest of us who were prepared to vote against the nuclear option, stood for the principles of extended debate, minority rights, and constitutional checks and balances. For 200 years, the Senate rules embodying those principles have protected our liberties and our freedoms. Those rules have not made life easy for Presidents and parties in power, but that is the way our Constitution was written, and that is good.

Most every occupant of the White House, most every majority on Capitol Hill, has grown frustrated with the need to build consensus instead of ruling by their own desires. But that is precisely what our Founding Fathers intended. That is our Constitution.

Those Founders created this body as a place secure from the winds of whim, a place for deliberation and honorable compromise. It is why Nevada, with its little over 2 million people, has as much to say in this body as California, which has 35 million people. It is why sometimes we are governed not by the principles of ''one man, one vote'' but by the principles of one person who rises with a voice of conscience and courage.

When Thomas Jefferson and Franklin Roosevelt tried to pack our courts, patriots of both parties put aside their personal interests to protect our American rights and rules. In Caro's definitive work, ''Master of the Senate,'' he has a wonderful 10 pages where he talks about Roosevelt's attempt to pack the court. It is so revealing. Roosevelt calls Senate leaders to the White House—Democratic leaders—and the President didn't live in the White House, as they do now. His Vice President, James Garner, a former Senator, walked out of that meeting shaking his head and said that the President will not get his support on this, and he didn't. He didn't get the support of a majority of the Democrats. When Jefferson and Roosevelt tried to pack our courts, it didn't work because Members of their own parties rose up against them. They were both Democrats.

Nothing in the advice and consent clause of the Constitution mandates that a nominee receive a majority vote, or even a vote of any kind. According to the Congressional Research Service, over 500 judicial nominees since 1945—18 percent of all judicial nominees—were never voted on by the full Senate. Most recently, over 60 of President Clinton's judicial nominees were denied an up-or-down vote. In contrast, we have approved 208 of President Bush's 218 nominees.

Last night, when I came to the floor, I said it is a happy night for me because the 8 years of the Clinton judicial situation are gone. I said last

night that the 4 years of problems with the Bush administration, as it relates to judges, are gone. Why? Because we are going to start legislating as Senators should. If there is a problem with a judge, that issue will be raised.

There will be occasions, although very infrequent, where a filibuster will take place. That is what the Senate is all about.

The difference between a 95-percent confirmation rate and a 100-percent rate is what this country is all about. That 5 percent reflects the moderating influence and spirit and openness made possible by the advice and consent clause of our Constitution.

When our Founders pledged their lives and fortunes and their sacred honor to the cause of our Revolution, it was not simply to get rid of King George III. It was because they had a vision of democracy. James Madison, the Father of the Constitution, wrote:

> The accumulation of all powers legislative, executive, and judiciary in the same hands, whether of one, a few, or many—and whether hereditary, self-appointed, or elective—may justly be pronounced the very definition of tyranny.

Stripping away these important checks and balances would have meant the Senate becomes merely a rubberstamp for the President. It would have meant one political party, be it Republicans today or Democrats tomorrow, could effectively seize control of our Nation's highest courts. It would have removed the checks on the President's power, meaning one man sitting in the White House could personally hand out lifetime jobs whose rulings on our basic rights can last forever.

It is too much power for one person. It is too much power for one President. It is too much power for one political party. It is not how America works.

Our democracy works when majority rules not with a fist but with an outstretched hand that brings people together. The filibuster is there to guarantee this.

The success of the nuclear option would have marked another sad, long stride down an ever more slippery slope toward partisan crossfire and a loss of our liberties. Instead, this is the moment we turned around and began to climb up the hill toward the common goal of national purpose and rebuilding of America's promise. America owes a debt of gratitude to the 14 Senators who allowed us to be here today.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I begin by thanking the distinguished Democratic leader for his comments and noting with particularity his statement that the use of the filibuster will be occasional and very infrequent. I think that characterization is very important for the future of the Senate in the consideration of judicial nominations.

The term ''extraordinary circumstances'' does not lend itself to any easy interpretation. But when the Democratic leader asserts that this term means occasional and very infrequent, it is very reassuring.

The Senator from Nevada went on to say this wipes away 8 years of Clinton and 4 years of the second President Bush. That puts the whole controversy, in my judgment, into context, because what we have been talking about in the course of these filibusters has been the pattern of payback which began in the last 2 years of President Reagan's administration when Democrats won control of the Senate and the Judiciary Committee, where the nominating process was slowed down, and 4 years of President George H. W. Bush. Then it was exacerbated during the administration of President Clinton when we Republicans won the Senate in the 1994 election. And for the last 6 years of President Clinton's tenure, we had a situation where some 60 judges were bottled up in committee, which was about the same as a filibuster.

I think it is worth noting that both Senator FRIST, our Republican leader, and Senator REID, the Democratic leader, are entitled to plaudits, because a week ago today, late in the afternoon in a room off the first floor, a few steps from where we are at the present time, the leaders met with so-called Republican moderates and Democratic moderates.

While not quite the imprimatur of propriety, their presence signified they knew what was going on, that they were prepared to participate in it, and that, again, while it was not quite the Good Housekeeping stamp of approval, they were interested to see what occurred.

In a series of floor statements on this issue, as the CONGRESSIONAL RECORD will show, I had urged the leaders to remove the party loyalty straitjacket from Senators so the Senators could vote their consciences because of the consistent comments I heard in the corridors and in the cloakrooms by both Republicans and Democrats that they did not like where we were headed; that Democrats were not pleased with this pattern of filibusters, and Republicans were not pleased with the prospect of the so-called constitutional or nuclear option.

And finally, in effect, that did happen when a group of moderate Senators got together, totaling 14 in number, as the parties signatory to the memorandum of understanding of last night, to forge an arrangement where the very important constitutional checks and balances, the very important constitutional separation of powers, would be maintained.

When we talk about the delicate balance of separation of powers, the constitutional scholars traditionally talk about it as so-called play in the joints. Had there been a formal determination of a rule change so that 51 Senators could cut off debate, that would have materially affected the delicate separation of powers where the President would have had much greater authority, be he a Republican President or a Democratic President.

Similarly, had the so-called constitutional or nuclear option been defeated, then I think it is fair to say the minority party—Democrats in this situation—would have been emboldened to go further in the use of the filibuster.

The nominees who have been subjected to the filibuster, in my judgment, have been held hostage, pawns in this escalating spiral of exacerbation by both sides.

In my 25 years in the Senate, during all of which I have served on the Judiciary Committee, I have seen our committee and this body routinely confirm judicial nominees who were the equivalents of those who have been filibustered here. These nominees have every bit the qualification of circuit judges who have been confirmed in the past.

Priscilla Owen, who is the specific nominee in question, would have been confirmed as a matter of routine had she not been caught up in this partisan battle. She has an extraordinary academic record. She was cum laude from Baylor both for an undergraduate degree and a law degree, scored the highest on the Texas bar exam, worked 17 years with a very prestigious law firm in Texas, served 11 years on the Texas State Supreme Court, earned well-qualified ratings from the American Bar Association, and is personally known to President Bush, who speaks of her in the most complimentary terms.

The senior Senator from Texas, KAY BAILEY HUTCHISON, has been a personal friend for years and knows her intimately. She speaks of her glowingly. She shepherded her to many private meetings with Senators. I spoke with Justice Owen at some length and was very much impressed with her on the academic level, on the professional level, and on the personal level.

Our colleague on the Judiciary Committee, Senator JOHN CORNYN, served with her on the Texas Supreme Court and, again, spoke of her in outstanding terms.

I have spoken at length about Justice Owen in the past, and I would simply incorporate by reference the comments which I made which appear in the CONGRESSIONAL RECORD for May 18 of this year, where I cited a selection of cases showing her judicial balance and showing her excellent record on the Texas Supreme Court.

Mr. President, we have been joined by, as I turn around, two distinguished Senators—one a current Member of this body, Senator BILL FRIST, the other a former Member of this body, Senator Alfonse D'Amato. I did not recognize him at first because he was not in his pink suit.

One day, in the back row, Alfonse D'Amato appeared and sang E-I-E-I-O in a pink suit. There was some comment in the Chamber about how much it improved his appearance. I did not agree with this.

I have a very short story. I had a brother who was 10 years older than I. One day he came down from the drugstore to the junkyard where I worked. He said: Arlen, I was just at Russell Drug. Down there they were saying you weren't fit to eat with the pigs. But my brother said: I stuck up for you, Arlen. I said you were. So when I see Alfonse D'Amato on the Senate floor, I remember those good times.

Now I yield to the distinguished majority leader, whose time I hope I have not unduly encroached upon. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, in a few moments, we will vote to conclude debate on the nomination of Judge Priscilla Owen to the Fifth Circuit Court of Appeals. It has been over 4 years since the Senate began consideration of Justice Owen for this position, and the Senate over that time has thoroughly and exhaustively investigated, looked at, examined, and debated Judge Owen's nomination.

She has endured 9 hours of committee hearings, more than 500 questions, and 22 days—it is interesting, 22 days. That is more than all sitting Supreme Court Justices combined have had on the floor of the Senate—all sitting Supreme Court Justices combined. We have had Priscilla Owen's nomination debated on this floor for more days. There has been more than 100 hours of floor debate. Now finally, after more than 4 years of waiting, Judge Owen will receive a fair up-or-down vote on the floor of the Senate.

As her critics now appear to be concede, Judge Owen is a mainstream candidate, who is thoughtful, who is dignified, and imminently qualified. Her academic and professional qualifications are outstanding. The American Bar Association unanimously—unanimously—rated her as well qualified, its highest possible rating. She was reelected to the Texas Supreme Court with 84 percent of the vote. She is supported by Republicans and Democrats on the Texas Supreme Court. She has been endorsed by every major newspaper in her State of Texas.

Moreover, in the face of continuous, sometimes vicious, attacks and distortions of her record in the nominations process, Judge Owen has shown extraordinary patience with this body. Despite 4 years of attacks on her integrity, Priscilla Owen has quietly, has patiently, has gracefully waited for an up-or-down vote.

Priscilla Owen has worked hard, played by the rules, faithfully interpreted the law and gained the respect of her colleagues and constituents. We cannot ask for more from a judicial nominee. It is time to close our debate. It is time to give Justice Owen an up-or-down vote on the floor of the Senate.

Today's vote will allow that up-or-down vote. It will affirm each Senator's right to weigh the facts and vote his or her conscience up or down, yes or no, confirmed or rejected. It is as simple as that. It is about principle. It is about fairness. It is about our constitutional duty to give advice and consent.

Mr. President, I yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the hour of 12 o'clock having arrived, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 71, the nomination of Priscilla Owen, of Texas, to be United States Circuit Judge for the Fifth Circuit.

Bill Frist, Arlen Specter, Trent Lott, Lamar Alexander, Jon Kyl, Jim Talent, Wayne Allard, Richard G. Lugar, John Ensign, C.S. Bond, Norm Coleman, Saxby Chambliss, James Inhofe, Mel Martinez, Jim DeMint, George Allen, Kay Bailey Hutchison, John Cornyn.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Priscilla Richman Owen, of Texas, to be United States Circuit Judge for the Fifth Circuit Court of Appeals, shall be brought to a close? Under the rule, the yeas and nays are mandatory. The clerk will call the roll.

Mr. LEVIN. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Under the rules and precedents of the Senate, how many votes are required to invoke cloture and end debate on the pending nomination?

The PRESIDING OFFICER. Three-fifths of the Senators duly chosen and sworn.

The clerk will call the roll.

Mr. LEVIN. Is there an answer to my parliamentary inquiry?

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURKIN. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The PRESIDING OFFICER (Mr. BURR). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 81, nays 18, as follows:

[Rollcall Vote No. 127 Ex.]

YEAS—81

Akaka	Burns	Conrad
Alexander	Burr	Cornyn
Allard	Byrd	Craig
Allen	Carper	Crapo
Baucus	Chafee	DeMint
Bayh	Chambliss	DeWine
Bennett	Clinton	Dole
Bingaman	Coburn	Domenici
Bond	Cochran	Durbin
Brownback	Coleman	Ensign
Bunning	Collins	Enzi
Feinstein	Lieberman	Santorum
Frist	Lott	Schumer
Graham	Lugar	Sessions
Grassley	Martinez	Shelby
Gregg	McCain	Smith (OR)
Hagel	McConnell	Snowe
Harkin	Mikulski	Specter
Hatch	Murkowski	Stevens
Hutchison	Nelson (FL)	Sununu
Inhofe	Nelson (NE)	Talent
Isakson	Obama	Thomas
Johnson	Pryor	Thune
Kohl	Reid	Vitter
Kyl	Roberts	Voinovich
Landrieu	Rockefeller	Warner
Leahy	Salazar	Wyden

NAYS—18

Biden	Dorgan	Levin
Boxer	Feingold	Lincoln
Cantwell	Jeffords	Murray
Corzine	Kennedy	Reed
Dayton	Kerry	Sarbanes
Dodd	Lautenberg	Stabenow

NOT VOTING—1

Inouye

The PRESIDING OFFICER. On this vote, the yeas are 81, the nays are 18. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

NOMINATION OF PRISCILLA RICHMAN OWEN TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT—Continued

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I read from the King James version of the Holy Bible, from the 22nd chapter of Proverbs, the 28th verse:

> Remove not the ancient landmark, which thy fathers have set.

Mr. President, in his second inaugural address, Abraham Lincoln observed that:

> With malice toward none; with charity for all; with firmness in the right, as God give us to see the right, let us strive on to finish the work we are in; to bind up the nation's wounds. . . .

Mr. President, I have always believed that the Senate, by its nature, attracts and probably also creates men and

women of the quality and character who are able to step up when faced with crises that threaten the ship of state, to calm the dangerous seas which, from time to time, threaten to dash our Republic against rocky shoals and jagged shores.

The Senate proved it to be true again yesterday, when 14 Members—from both sides of the aisle, Republicans and Democrats; 14 Members—of this revered institution came together to avert the disaster referred to as the ''nuclear option'' or the ''constitutional option''—these men and women of great courage.

As William Gladstone said, in referring to the Senate of the United States, the Senate is

> that remarkable body, the most remarkable of all the inventions of modern politics.

I thank all of those Republicans and Democrats who worked together to keep faith with the Framers and the Founding Fathers. We have kept the faith with those whose collective vision gave us this marvelous piece of work, the Constitution of the United States. Thank God—thank God—that this work has been done and that it has been preserved, that a catastrophe has been averted.

Article II, section 2, of the Constitution gives to the President the power to nominate, and ''by and with the Advice and Consent of the Senate,'' to ''appoint . . . Judges of the supreme Court, and all other Officers of the United States. . . .''

There are two parts to that phrase: the ''advice'' on the one hand, and the ''consent'' on the other, and both must be present before any President can appoint any nominee to the Supreme Court or any other Federal court. It is, therefore, a shared responsibility between the U.S. Senate and the President of the United States.

By its agreement yesterday, the Senate is keeping that construct alive, this shared responsibility between the President of the United States, on the one hand, and the Senate of the United States, on the other.

The agreement that was obtained yesterday by the cooperation between and among the 14 Members of the Senate—representing Republicans and Democrats—it was that agreement that reminds us of the words of our Constitution, by encouraging the President of the United States, on the one hand, to consult with the Senate of the United States, on the other. In other words, the Senate will be in on the takeoff, meaning prior to sending up his nominees for our consideration. In recent times—and by that I mean under Presidents of both parties—there has not been all that much consultation by the President with the Senate.

So here we are, in the Senate, offering the hand of partnership to the Chief Executive and saying: Consult with us. That is what the Framers intended, that the President of the United States should consult with the Senate. You don't have to take our advice, but here it is. And by considering that advice, it only stands to reason that any President will be more assured that his nominees will enjoy a kinder reception in the Senate.

The agreement, which references the need for ''advice and consent,'' as contained in the Constitution, proves once again, as has been true for over 200 years, that our revered Constitution is not simply a dry piece of parchment. It is a living document.

Yesterday's agreement was a real-life illustration of how this historical document continues to be vital in our daily lives. It inspires, it teaches, and yesterday it helped the country and the Senate avoid a serious catastrophe.

Mr. President, for this reason and others, I ask that at the end of my remarks the agreement reached by the 14 Senators be printed in the RECORD.

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

(See exhibit 1.)

Mr. BYRD. Mr. President, I do this so that we in the Senate and the President may all have a way of easily revisiting the text of that agreement for future reference.

On the heels of this agreement, I believe that we should now move forward, propelled by its positive energy, in a new direction. We should make every effort to restore reason to the politically partisan fervor that has overtaken our Senate, this city, and our country. We must stop arguing and start legislating.

Divisive political agendas are not America's goals. The right course lies someplace in the middle. It is our job to work as elected representatives of a reasonable people to do what is right, regardless of threats from any of the angry groups that seem dedicated to intimidation. The skeptics, the cynics, the doubters, the Pharisees, those who are intoxicated by the juice of sour grapes did not prevail and must not prevail. The 14 Republican and Democratic Senators rose above those who do not wish to see accord but prefer discord.

Chaucer's ''Canterbury Tales''—we have all read Chaucer's ''Canterbury Tales'' in high school—contains ''The Pardoner's Tale.''

The story tells about the journey by the pilgrims to Canterbury, to the shrine of Canterbury. The scene took place in Flanders, where once there sat drinking in a tavern three young men who were much given to folly. As they sat, they heard a small bell clink before a corpse that was being carried to the grave. Whereupon, one of the three called to his knave and ordered him to go and find out the name of the corpse that was passing by.

The boy answered that he already knew and that it was an old comrade of the roisterers who had been slain, while drunk, by an unseen thief called ''Death,'' who had slain others in recent days.

And so out into the road the three young ruffians went in search of this monster called Death. They came upon an old man and seized him, and with rough language they demanded that he tell them where they could find this cowardly adversary who was taking the lives of their good friends around the countryside.

The old man pointed to a great oak tree on a nearby knoll, saying, ''There, under that tree you will find Death,'' that monster. In a drunken rage, the three roisterers set off in a run until they came to the tree, and there they found a pile of gold—eight basketfuls of florins, newly minted, round, gold coins. Forgotten was the monster called Death, as the three pondered their good fortune. And they decided that they should remain with the gold until nightfall, when they would divide it among themselves and take it to their respective homes. It would be unsafe, they reasoned, to attempt to do so in broad daylight, as they might be fallen upon by thieves who would take their treasure from them.

It was proposed that the three draw straws, and the person who drew the shortest straw would go into the nearby village and purchase some bread and wine and cheese, which they could then enjoy as they whiled away the daylight hours. So off toward the village the young man who drew the shortest straw went. When he was out of sight, the remaining two decided that there was no good reason why this fortune, this pile of gold, should be divided among three individuals. So one of them said to the other, ''When he returns, you throw your arm around him as if in good sport, as in jest, and I will rive him with my dagger, and with your dagger, you can do the same. Then all of this gold will be divided not among three of us but just between two of us—you and me.''

Meanwhile, while the two were planning the demise of the third, the youngest rogue, as he made his way into the town, thought to himself what a shame it would be that the gold would be divided among three, when it just as well could be so easily belong only to the ownership of one, himself. Therefore, in town the young man went directly to an apothecary and asked to be sold some poison for the large rats and a polecat that had been killing his chickens. The apothecary—the pharmacist—quickly provided some poison, saying that as much as equaled only a tiny grain of wheat would result immediately in sudden death for the creature that drank the mixture.

Having purchased the poison, the young villain crossed the street to a winery, where he purchased three bottles—two for his friends, one for himself. After he left the village, he sat down, opened two bottles of wine and deposited an equal portion in each, and then returned to the oak tree, where the two older villains did as they had planned. One threw his arm, as if in jest, around the shoulders of the third, and both buried their daggers in him. He fell dead on the pile of gold. The

other two villains then sat down, broke the bread, cut the cheese, and opened the two bottles of wine. Each took a good, deep swallow, and then, suffering a most excruciating pain, both fell dead upon the pile of gold and upon the body of the third. So there they were across the pile of gold, all three of them dead.

Their avarice, their greed for gain, their love of material things had destroyed them. There is a lesson here in Chaucer's Tales, as given to us by ''The Pardoner.'' The strong temptation for political partisanship that has prevailed in the Senate can tear this Senate apart and can tear the Nation apart and confront all of us with destruction, so that in the end we three—the President, the Senate, and the people—will all be destroyed, as it were.

So we almost saw that happen here on the Senate floor—until yesterday, when that catastrophe, looming as it was before the Senate, was averted. I applaud the fact that the center, the anchor, held, and we stood together for the good of the country against mean-spirited, shallow, political ends.

Mr. President, I implore all of us to endeavor to lift our eyes to the higher things. We can perform some much needed healing on the body politic. If we can come together in a dignified way to orderly and expeditiously move forward on these nominations, perhaps we can yet salvage a bit of respect and trust from the American people for all of us, for the Senate, and for our institutions of free government.

We have a duty, at this critical time, to rise above politics as usual, in which we savage one another, and in so doing, destroy ourselves, like the three villains in ''The Pardoner's Tale.''

Let us put the Nation first. The American people want us to do that. In the long run, that is how we will be judged and, more importantly, it is how the Senate will be judged.

It is easy to tear down; it is difficult to build.

I saw them tearing a building down,
A group of men in a busy town.
With a ''Ho, Heave, Ho and a lusty yell,
They swung a beam and the sidewall fell.

I said to the foreman, ''Are these men skilled?
The type you would hire if you had to build.''
He laughed, and then he said, ''No indeed,
Just common labor is all I need;
I can easily erect in a day or two,
That which takes builders years to do.''

I said to myself as I walked away,
''Which of these roles am I trying to play?
Am I a builder who works with care,
Building my life by the rule and square?
Am I shaping my deeds by well-laid plan,
Patiently building the best I can?
Or am I a wrecker who walks the town
Content with the labor of tearing down.''

Mr. President, it is easy to tear down, but it takes a long time to build. We have been 217 years in building this Senate, making it what it was intended to be by the Framers who wrote it 219 years ago, who established three equal coordinate branches of Government, who established a separation of powers, who established checks and balances in this Constitution of the United States.

The work of those Framers and the work of the larger group of Founders took 219 years. It was about to be destroyed in a single day, this day. But thank God 14 Senators from both sides of the aisle met and rose above partisan politics and kept the faith with the Framers and with the Founders so that our posterity might enjoy the blessings of liberty, the blessings of freedom of speech, the roots of which go all the way back to the reign of Henry IV, who reigned from 1399 to 1413 and who in 1407 proclaimed that the members of Parliament—the House of Lords and the House of Commons—could speak freely and without fear.

And those words were written into the Declaration of Rights, which declaration was submitted to William III of Orange and Mary, a Declaration of Rights which included freedom of speech in Parliament. That declaration was presented on February 13, 1689, to William III and Mary. They both accepted it and were then proclaimed by the House of Commons joint sovereigns of the nation.

Then, on December 18, 1689, those words were included in a statute, the English Bill of Rights—freedom of speech, the roots going back a long way. That freedom of speech then was provided to those of us in the Senate, provided by the Constitution, and since 1806, when the provision for the previous question was discarded upon the recommendation of Vice President Aaron Burr, since 1806 that provision for the previous question or the sudden cutting off debate was discarded. Since 1806, until the year 1917, the year in which I was born during the administration of Woodrow Wilson, that freedom of speech has prevailed in the Senate, and it has lived since then except for unanimous consent agreements and the cloture provision which was first agreed to in 1917, the cloture provision shutting off debate under the rules of the Senate.

Freedom of speech has reigned in this body, and it still lives, thanks again to the 14 Republicans and Democrats who rose above politics yesterday and came forward with this accord.

So, Mr. President, let us be true to the faith of our fathers and to the expectation of those who founded this Republic. The coming days will test us again and again, but let us go forward together hoping that in the end, the Senate will be perceived as having stood the test, and may we, both Republicans and Democrats and Independents, when our work is done, be judged by the American people and by the pages of history as having done our duty and as having done it well.

Our supreme duty is not to any particular person, not to any particular President, not to any political party, but to the Constitution, to the people of the Nation, and to the future of this Republic. It is in that spirit that we may do well to remember the words of Benjamin Hill, a great Senator, a great orator from the State of Georgia, his words being inscribed on a statue in Atlanta, GA, as they are and as they appear today upon that monument:

Who saves his country saves himself, saves all things, and all things saved do bless him. Who let's his country die dies himself ignobly, and all things dying curse him.

Remember that ancient proverb: Remove not the ancient landmark, which thy fathers have set.

I yield the floor. I suggest the absence of a quorum.

EXHIBIT 1

MEMORANDUM OF UNDERSTANDING ON JUDICIAL NOMINATIONS

We respect the diligent, conscientious efforts, to date, rendered to the Senate by Majority Leader Frist and Democratic Leader Reid. This memorandum confirms an understanding among the signatories, based upon mutual trust and confidence, related to pending and future judicial nominations in the 109th Congress.

This memorandum is in two parts. Part I relates to the currently pending judicial nominations; Part II relates to subsequent individual nominations to be made by the President and to be acted upon by the Senate's Judiciary Committee.

We have agreed to the following:

PART I: COMMITMENTS ON PENDING JUDICIAL NOMINATIONS

A. Votes for Certain Nominees. We will vote to invoke cloture on the following judicial nominees: Janice Rogers Brown (D.C. Circuit), William Pryor (11th Circuit), and Priscilla Owen (5th Circuit).

B. Status of Other Nominees. Signatories make no commitment to vote for or against cloture on the following judicial nominees: William Myers (9th Circuit) and Henry Saad (6th Circuit).

PART II: COMMITMENTS FOR FUTURE NOMINATIONS

A. Future Nominations. Signatories will exercise their responsibilities under the Advice and Consent Clause of the United States Constitution in good faith. Nominees should only be filibustered under extraordinary circumstances, and each signatory must use his or her own discretion and judgment in determining whether such circumstances exist.

B. Rules Changes. In light of the spirit and continuing commitments made in this agreement, we commit to oppose the rules changes in the 109th Congress, which we understand to be any amendment to or interpretation of the Rules of the Senate that would force a vote on a judicial nomination by means other than unanimous consent or Rule XXII.

We believe that, under Article II, Section 2, of the United States Constitution, the word ''*Advice*'' speaks to consultation between the Senate and the President with regard to the use of the President's power to make nominations. We encourage the Executive branch of government to consult with members of the Senate, both Democratic and Republican, prior to submitting a judicial nomination to the Senate for consideration.

Such a return to the early practices of our government may well serve to reduce the rancor that unfortunately accompanies the advice and consent process in the Senate.

We firmly believe this agreement is consistent with the traditions of the United States Senate that we as Senators seek to uphold.

E. Benjamin Nelson, Mike DeWine, Joe Lieberman, Susan Collins, Mark Pryor, Lindsey Graham, Lincoln Chafee, John

McCain, John Warner, Robert C. Byrd, Mary Landrieu, Olympia Snowe, Ken Salazar, and Daniel Inouye.

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

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. MARTINEZ). Without objection, it is so ordered.

Mr. REED. Mr. President, I ask unanimous consent to speak as in morning business.

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

Mr. REED. Mr. President, I also ask unanimous consent that the time I consume come out of my time postcloture.

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

RETIREMENT OF COLONEL RUSS HOWARD, UNITED STATES ARMY

Mr. REED. Mr. President, I rise today to recognize the accomplishments of Colonel Russ Howard, head of the department of social sciences and director of the Combating Terrorism Center at West Point. Colonel Howard is retiring June 3, 2005, after 37 years of Active and Reserve military service.

In his previous position, he was the deputy department head of the department of social sciences. Prior to that, Colonel Howard was an Army chief of staff fellow at the Center for International Affairs at Harvard University. Formerly, Colonel Howard was the commander of the 1st Special Forces Group (Airborne) at Fort Lewis, WA. Other recent assignments include assistant to the Special Representative to the Secretary General during UNOSOM II in Somalia, deputy chief of staff for I Corps, and chief of staff and deputy commander for the Combined Joint Task force, Haiti/Haitian Advisory Group. He also served as the administrative assistant to ADM Stansfield Turner and as a special assistant to the commander of SOUTHCOM.

When Colonel Howard was commander of 3rd Battalion, 1st Special Warfare Training Group (Airborne) at Fort Bragg, NC, he developed the curriculum for the first ever graduate degree program for the Civil Affairs and Psychological Operations officers.

Prior to Operation Desert Shield/Desert Storm, Colonel Howard took a mobile training team to Kuwait and Saudi Arabia to train the ''lost boys,'' newly appointed Civil Affairs and Psychological Operations officers already deployed to the Persian Gulf.

The newly trained officers performed superbly during operations and 3rd Battalion won the Army Superior Unit Award, largely due to the efforts and foresight of Colonel Howard.

As a newly commissioned officer, a much younger officer, Colonel Howard served as ''A'' team commander in the 7th Special Forces Group from 1970 to 1972.

He left the Active component and served in the U.S. Army Reserve from 1972 to 1980. During this period, he served as an overseas manager, American International Underwriters Melbourne, Australia, and China tour manager and Canadian Pacific Airlines.

He was recalled to active duty in 1980 and served initially in Korea as an infantry company commander. Subsequent assignments included classified project officer, U.S. Army 1st Special Operations Command at Fort Bragg, and operations officer and company commander 1st Battalion, 1st Special Forces Group in Okinawa, Japan.

Colonel Howard earned a bachelor of science degree in industrial management from San Jose State University, bachelor of arts degree in Asian studies from the University of Maryland, a master of arts degree in international management from the Monterey Institute of International Studies, and a masters of public administration degree from Harvard University.

Colonel Howard was an assistant professor of social sciences at the U.S. Military Academy and a senior service college fellow at the Fletcher School of Law and Diplomacy, Tufts University.

During his extraordinary career of public service, Colonel Russ Howard was a dedicated leader, enlightened visionary, effective operator, and exemplary role model for cadets, soldiers, and civilians.

For the past 7 years, he made enormous contributions to the U.S. Military Academy, its graduates, and to the Nation through his relentless pursuits of excellence in the department of social sciences and his advancement of education, research, and policy development in the global war on terror.

He was the right person at the right time in exactly the right job as the Academy and the Nation responded to the events of 9/11 and the global war on terror. Building on his extraordinary skills as a researcher and educator, he knew the intellectual response to the war on terror would have to be as significant as the operational response and set a course for the department and the Academy to lead this response.

Building on an exceptional experience as a Special Forces officer who commanded at every level from team leader to Special Forces Group, he was able to integrate the intellectual issues of understanding terrorism with the practical issues of countering terrorism and include them in the curriculum, and eventually led to the establishment of the Combating Terrorism Center at West Point.

He inspired support from the academy leadership, from General-retired Wayne Downing, Mr. Vinnie Viola, Mr. Ross Perot, and many others, so that the U.S. Military Academy has become the international leader in undergraduate terrorism education and research.

Simultaneously, Colonel Howard enhanced all aspects of the academy and the Department of Social Sciences by supporting a robust teaching program. He taught more than 15 different courses, created 4 new ones, published 3 books and 15 articles, and encouraged and cultivated resources for other faculty to follow his example.

His support for faculty and cadet development through the scholarship, debate, model U.N., domestic affairs forum, finance forum, sports, and a myriad of other activities was exceptional. Most importantly, he is a trusted, caring, concerned, and dedicated leader who evokes the best from everybody with whom he comes in contact.

It has been my privilege to know Colonel Howard for many years, to respect him as a soldier and a scholar, and to at this moment congratulate him on a career of exceptional service to the Army and to the Nation. As he parts for other venues and other responsibilities, I wish him well.

I yield back my time, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

EMBRYONIC STEM CELL RESEARCH

Mr. BROWNBACK. Mr. President, I rise to speak about an issue that has been worked on in the country for some period of time. Soon, a House vote will take place on embryonic stem cell research. The issue that will soon be voted on in the House—and may come before this body—is whether to allow the taxpayer funding of destruction of young human life.

This legislation being considered in the House of Representatives would take young human embryos, would provide taxpayer dollars to destroy these embryos and conduct research on the stem cells derived from them. I believe we all have a duty to protect innocent life. We have a duty and a responsibility to look out for the downtrodden, those who do not have a voice. These are the youngest of human lives; they should be protected, and they should not be researched on.

We have at times in the past in the United States researched on other human beings. Whenever we have done so, at the moment in time when it was done, people did it on the basis that we need to know, or we need to be able to conduct this research, or this research will provide a cure for something. Yet in every instance—either in this country or others—when it has been done and the society at large has allowed it, we have always, always regretted it later. It has always been wrong for one group of humans who are in a more powerful position to research on somebody in a lesser position. That has always been true, and it remains true today. We should not use taxpayer dollars to fund research on the youngest of human lives. It is wrong, it is not necessary, and it should be stopped.

I am pleased that the President has promised to veto this legislation. However, I also intend to not let this piece of legislation make it forward, to move to the President's desk. If others choose to bring this destruction of human life—taxpayer-funded destruction of human life—in front of this body, I intend that we are going to talk about it for a long time and address a whole series of issues, whether it be human cloning, which is associated with this human destructive legislation, or the creation of human-animal crosses for research purposes. We are going to spend a lot of time discussing this because young human lives are at stake. I will not sit idly by and acquiesce in their tragic destruction.

If this human destructive legislation, or a Senate counterpart, comes before this body, I will use all means available to impede its progress. At the very least, we should have a lengthy debate on this issue before taking any action. The reason is that young human lives are at stake. I believe the very nature of our culture—whether we will have a culture of life or not is at stake. Will we honor human life because it is sacred per se, or are we going to use it for a research apparatus for the benefit of others? We have always regretted that when we have done it before. Today is a similar type of discussion.

Some are saying this doesn't really look like a human life; it is so small, so microscopic in some cases, that some say it really cannot be human life. Yet, according to the biological and scientific definition, this is young human life. If allowed to be nurtured, it becomes you, me, or anybody watching. Life has to be nurtured at all stages. It is no different biologically at that stage versus at a later stage. It has the same biological components, or ''software,'' if you will, or DNA structure. It needs to be nurtured, and it matures into an adult human. If we are going to proceed on this, I think we are really hurting ourselves as a society.

I also point out that some people are saying we need to do this to find cures. I want to find cures, also—cures for people with cancer, Alzheimer's disease, Parkinson's disease, spinal cord injuries, or juvenile diabetes—and I have been working on that. The thing is, we have a route to find these cures that is ethical and moral.

The House is also considering a cord blood bill from Congressman SMITH today, and there are also adult stem cells. We have had this discussion before, but I think people hear ''stem cells,'' and they say: I am for it. We need to be clear that there are different types of stem cells: There are cord blood stem cells in the umbilical cord, there are embryonic stem cells, where you have to destroy the embryo itself to get the stem cells, and there are adult stem cells in my body and yours and anybody watching. These adult stem cells are a kind of repair cell that goes around the body fixing different parts of the body. We have been able to take adult stem cells out and grow them outside the body to the point that, today, over 58 different human diseases are being treated in human patients. There are published clinical studies using adult stem cells—the stem cells from one's own body.

A Parkinson's disease patient, treated with his own adult stem cells, continues to exhibit relief of 80 percent of his symptoms more than 6 years after the surgery. I had the man come in himself, who was treated with his own adult stem cells taken from the base of his nose, grown outside the body, put in the left-hand side of his brain, with a substantial improvement on the right-hand side of his body. That is purely ethical research. It is working and getting the job done.

Spinal cord injuries. Dr. Carlos Limas treated 34 patients in Portugal with their own adult stem cells. I had two of them in to testify at a hearing last year—one is a paraplegic and one is a quadriplegic—and they are walking with the assistance of braces and their own adult stem cells.

Also, umbilical cord blood cells were used to treat a South Korean woman who had been paralyzed for 19 years. She had not walked for 19 years, and she can now walk with braces.

What about juvenile diabetes? This disease affects a lot of people. This is one that has vexed a lot of people. We all want to find a cure for juvenile diabetes.

Dr. Denise Faustman at Harvard is a leading diabetes researcher. She has completely reversed end-stage juvenile diabetes in mice and has FDA approval to begin human clinical trials using adult stem cell therapy.

My point in mentioning these 3 of the 58 different areas is that we have an ethical answer. We have an answer that does not involve the destruction of human life, and it is right before us. We can do it. We can fund it, and we can move forward with it. We do not have to destroy young human life to do this, and it is wrong if we do.

There is going to be a big discussion. We are going to have a lot of debate about this issue on the floor or in committee or other places if people decide to move this legislation forward. This is not about banning human embryonic stem cell research. This is about taxpayer funding of human embryonic stem cell research. Embryonic stem cell research is legal. It is being conducted in this country. It is being funded by the Government of the United States on a limited set of lines. The President had the discussion and put forward the guidelines—a limited set of lines that were identified, on which a life-and-death decision had already been made prior to funding. That research continues and goes on today.

The House bill would expand that and say we can kill young human life today for research on embryonic stem cells, and we want to do it with taxpayer funding. That is what I am saying I am opposed to is the taxpayer funding where a life-and-death decision has not been made, and we involve the destruction of young human lives. The House bill should not move forward.

Mr. President, there are two statements that the President has put forward saying that he would veto such legislation if it comes forward. I ask unanimous consent to print these statements in the RECORD.

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

STATEMENT OF ADMINISTRATION POLICY—MAY 24, 2005

H.R. 2520—STEM CELL THERAPEUTIC AND RESEARCH ACT OF 2005

(Rep. Smith (R) NJ and 78 cosponsors)

The Administration strongly supports House passage of H.R. 2520, which would facilitate the use of umbilical-cord-blood stem cells in biomedical research and in the treatment of disease. Cord-blood stem cells, collected from the placenta and umbilical cord after birth without doing harm to mother or child, have been used in the treatment of thousands of patients suffering from more than 60 different diseases, including leukemia, Fanconi anemia, sickle cell disease, and thalassemia. Researchers also believe cord-blood stem cells may have the capacity to be differentiated into other cell types, making them useful in the exploration of ethical stem cell therapies for regenerative medicine.

H.R. 2520 would increase the publicly available inventory of cord-blood stem cells by enabling the Department of Health and Human Services (HHS) to contract with cord-blood banks to assist them in the collection and maintenance of 150,000 cord-blood stem cell units. This would make matched cells available to treat more than 90 percent of patients in need. The bill would also link all participating cord-blood banks to a search network operated under contract with HHS, allowing physicians to search for matches for their patients quickly and effectively in one place. The bill also would reauthorize a similar program already in place for aiding the use of adult bone marrow in medical care. There is now $19 million available to implement the Cord Blood Cell Bank program; the Administration will work with the Congress to evaluate future spending requirements for these activities. The bill is also consistent with the recommendation from the National Academy of Science to create a National Cord Blood Stem Cell Bank program.

The Administration also applauds the bill's effort to facilitate research into the potential of cord-blood stem cells to advance regenerative medicine in an ethical way. Some research indicates that cord blood cells may have the ability to be differentiated into other cell types, in ways similar to embryonic stem cells, and so present similar potential uses but without raising the ethical problems involved in the intentional destruction of human embryos. The Administration encourages efforts to seek ethical ways to pursue stem cell research, and believes that—with the appropriate combination of responsible policies and innovative scientific techniques—this field of research can advance without violating important ethical boundaries. HR 2520 is an important step in that direction.

STATEMENT OF ADMINISTRATION POLICY—May 24, 2005

H.R. 810—STEM CELL RESEARCH ENHANCEMENT ACT OF 2005

(Rep. Castle (R) DE and 200 cosponsors)

The Administration strongly opposes House passage of H.R 810, which would require Federal taxpayer dollars to be used to encourage the ongoing destruction of nascent human life. The bill would compel all American taxpayers to pay for research that relies on the intentional destruction of human embryos for the derivation of stem cells, overturning the President's policy that supports research without promoting such ongoing destruction. If H.R 810 were presented to the President, he would veto the bill.

The President strongly supports medical research, and worked with Congress to dramatically increase resources for the National Institutes of Health. However, this bill would support and encourage a line of research that requires the intentional destruction of living human embryos for the derivation of their cells. Destroying nascent human life for research raises serious ethical problems, and many millions of Americans consider the practice immoral.

The Administration believes that government has a duty to use the people's money responsibly, both supporting important public purposes and respecting moral boundaries. Every year since 1995, Congress has on a bipartisan basis upheld this balance by prohibiting Federal funds for research in which an embryo is destroyed. Consistent with this provision, the President's policy permits the funding of research using embryonic cell lines created prior to August 9, 2001, along with stem cell research using other kinds of cell lines. Scientists can therefore explore the potential application of such cells, but the Federal government does not offer incentives or encouragement for the destruction of nascent human life.

H.R 810 seeks to replace that policy with one that offers very little additional practical support to the research, while using Federal dollars to offer a prospective incentive for the destruction of human embryos. Moreover, H.R 810 relies on unsupported scientific assertions to promote morally troubling and socially controversial research. Embryonic stem cell research is at an early stage of basic science, and has never yielded a therapeutic application in humans. It is too early to say if a treatment or a cure will develop from embryonic stem cell research.

The Administration believes that the availability of alternative sources of stem cells further counters the case for compelling the American taxpayer to encourage the ongoing destruction of human embryos for research. Researchers are continually exploring alternative ways to derive pluripotent stem cells. And alternative types of human stem cells—drawn from adults, children, and umbilical-cord blood without doing harm to the donors—have already achieved therapeutic results in thousands of patients with dozens of different diseases.

Moreover, private sector support and public funding by several States for this line of research, which will add up to several billion dollars in the coming few years, argues against any urgent need for an additional infusion of Federal funds which, even if completely unrestricted, would not approach such figures. Whatever one's view of the ethical issues or the state of the research, the future of this field does not require a policy of Federal subsidies offensive to the moral principles of millions of Americans.

H.R. 810 advances the proposition that the Nation must choose between science and ethics. The Administration, however, believes it is possible to advance scientific research without violating ethical principles: both by enacting the appropriate policy safeguards and by pursuing the appropriate scientific techniques. HR 810 is seriously flawed legislation that would undo those safeguards and provide a disincentive to pursuing those techniques.

Mr. BROWNBACK. Mr. President, we will have much discussion of this issue if it comes before this body. I am going to be working aggressively with a number of individuals to see that we continue this stem cell work in an ethical manner, but not where it involves the destruction of human life.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FEINGOLD. 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. FEINGOLD. Mr. President, I voted no on cloture, and I will vote no on the nomination of Priscilla Owen to be a judge on the U.S. Circuit Court of Appeals for the Fifth Circuit Court. I would like to take a few minutes today to explain my votes. I also would like to make a few comments on the events that led up to these votes.

I strongly oppose the threat of the nuclear option. I believe this was an illegitimate tactic, a partisan abuse of power that was a threat to the Senate as an institution and to the country. Attempting to blackmail the minority into giving up their rights that have been part of the Senate's traditions and practices for centuries was a new low for a majority that has repeatedly been willing to put party over principle. Unfortunately, the blackmail was partially successful. While I do applaud the efforts of the Senators who worked hard to broker an agreement, the end result is that three nominees who do not deserve lifetime appointments to the judiciary will now be confirmed.

The agreement reached by our colleagues states that filibusters should be reserved for extraordinary circumstances. For me, that has always been the test. I think Democrats have stuck to that standard in blocking just 10—just 10—out of the 218 nominations of President Bush that have been brought to the floor. A number of very conservative and very controversial nominees have been confirmed by the Senate. Jeffrey Sutton, now a judge on the Sixth Circuit, was confirmed by a vote of 52 to 41. No filibuster was used there. Jay Bybee, the author of the infamous torture memo, now sits on the Ninth Circuit. He was not filibustered. Michael McConnell, a very conservative and anti-choice law professor, often mentioned as a possible Supreme Court nominee, was confirmed for the Tenth Circuit. He was not filibustered. Dennis Shedd was confirmed to the Fourth Circuit by a vote of 55 to 44. He could have been filibustered, but he was not filibustered.

The idea that the filibuster has been used over the past several years as a tool to block all the nominees that the minority opposed is ludicrous. There were, and there continue to be, very good reasons to block a certain small number of nominees. Nothing that occurred last night changed that one iota. I will continue to vote against cloture only in extraordinary circumstances. I did that when we voted on cloture on the Owen nomination in 2003 and each subsequent time, and I have done that again today. For the majority to have created this constitutional crisis over what came down to five nominees was wrong, was an abuse of power. The American people did not support it, and I do not think they will support it in the future.

With respect to the Owen nomination, there are a number of factors that I believe require us to give this nomination very careful consideration. First, we should consider that judges on our courts of appeal have an enormous influence on the law. Whereas, decisions of the district courts are always subject to appellate review, the decisions of the courts of appeals are only subject to discretionary review by the Supreme Court. The decisions of the courts of appeal are, in almost all cases, final, as the Supreme Court agrees to hear only a very small percentage of the cases on which its views are sought. That means that the scrutiny we give to circuit court nominees must be greater than that we give to district court nominees. And then, of course, the scrutiny we give to Supreme Court nominees will even be greater.

Another important consideration is the ideological balance of the Fifth Circuit. The Fifth Circuit is comprised of Texas, Louisiana, and Mississippi. The Fifth Circuit contains the highest percentage of minority residents, over 40 percent of any circuit other than the DC Circuit. It is a court that, during the civil rights era, issued some of the most significant decisions supporting the rights of African-American citizens to participate as full members of our society.

As someone who believes strongly in freedom, liberty, and equal justice under law and the important role of the Federal courts to defend these fundamental American principles, I am especially concerned about the makeup of our circuit courts and their approaches to civil rights issues.

Even after 8 years of a Democratic President, the Fifth Circuit had twice as many Republican appointees as Democratic appointees. That is because during the last 6 years of the Clinton administration, the Judiciary Committee did not report out a single judge to the Fifth Circuit Court of Appeals. As we all know, that was not for a lack of nominees to consider. President Clinton nominated three well-qualified lawyers to the Fifth Circuit—Jorge

Rangel, Enrique Moreno, and Alston Johnson. None of these nominees even received a hearing before the committee.

Then-Chairman LEAHY held a hearing in July 2001 on the nomination of Judge Edith Brown Clement for a seat on the Fifth Circuit only a few months after she was nominated and less than 2 months after Democrats took control of the Senate. It was the first hearing in the Judiciary Committee for a Fifth Circuit nominee since September 1994. And Judge Clement, of course, was confirmed later in the year.

The fact is, there is a history here and a special burden on President Bush to consult with our side on nominees for this circuit; otherwise, we will be simply rewarding the obstructionism that the President's party engaged in over the last 6 years of the Clinton administration by allowing him to fill, with his choices, seats that his party held open for years, even when qualified nominees were advanced by President Clinton.

I say, once again, my colleagues on the Republican side bear some responsibility for this situation. There was a time when I thought they might help resolve it by urging the administration to address the Senate's failure to take up Clinton nominees. This entire controversy over judges that has come to a head over the last several weeks could have been avoided if our Republican colleagues had convinced the President to renominate even a few of those Clinton nominees who never received a hearing or vote in the committee, including nominees to the Fifth Circuit. But, of course, that did not happen. There was no effort to reach a real compromise to take into account the concerns of all parties.

A compromise at the point of a gun is not a compromise. That, I'm afraid, is what we had last night.

With that background, let me outline the concerns that have caused me to reach the conclusion that Justice Owen should not be confirmed.

Justice Owen has had a successful legal career. She graduated at the top of her class from Baylor University Law School, worked as an associate and partner at the law firm of Andrews and Kurth in Houston, and has served on the Texas Supreme Court since January 1995. These are great accomplishments.

But Justice Owen's record as a member of the Texas Supreme Court leads me to conclude that she is not the right person for a position on the Fifth Circuit. I am not convinced that Justice Owen will put aside her personal views and ensure that all litigants before her on the Fifth Circuit received a fair hearing. Her decisions in cases involving consumers' rights, worker's rights, and reproductive rights suggest that she would be unable to maintain an open mind and provide all litigants a fair and impartial hearing.

Justice Owen has a disturbing record of consistently siding against consumers or victims of personal injury and in favor of business and insurance companies. When the Texas Supreme Court, which is a very conservative and pro- business court, rules in favor of consumers or victims of personal injury, Justice Owen frequently dissents. According to Texas Watch, during the period 1999 to 2002, Justice Owen dissented almost 40 percent of the time in cases in which a consumer prevailed. But in cases where the consumer position did not succeed, Justice Owen never dissented.

At her first hearing, Senator KENNEDY and then-Senator Edwards asked Justice Owen to cite cases in which she dissented from the majority and sided in favor of consumers. Justice Owen could cite only one case, Saenz v. Fidelity Guaranty Insurance Underwriters. But Justice Owen's opinion in this case hardly took a pro-consumer position since it still would have deprived the plaintiff of the entire jury verdict. She did not join Justice Spector's dissent, which would have upheld the jury verdict in favor of Ms. Saenz.

Also during that first hearing, Senators FEINSTEIN and DURBIN questioned Justice Owen about Provident American Ins. Co. v. Castaneda. In that case, the plaintiff sought damages against a health insurer for denying health care benefits, after the insurer had already provided pre-operative approval for the surgery. Justice Owen, writing for the majority, reversed the jury's verdict in favor of the plaintiff and rejected the plaintiff's claim that the health insurer violated the Texas Insurance Code and the Deceptive Trade Practices Act. At the hearing, Justice Owen defended her opinion by saying that she believed that the plaintiff was seeking extra-contractual damages and that the plaintiff had already received full coverage under the policy and statutory penalties. But, in the words of her colleague, Justice Raul Gonzalez, who wrote a dissent, Justice Owen's opinion ''may very well eviscerate the bad-faith tort as a viable case of action in Texas.'' The cause of action for bad faith is designed to deter insurers from engaging in bad faith practices like denying coverage in the first place.

In addition, with respect to several decisions involving interpretation and application of the Texas parental notification law, I am deeply troubled by Justice Owen's apparently ignoring the plain meaning of the statute and injecting her personal beliefs concerning abortion that have no basis in Texas or U.S. Supreme Court law. In 2000, the Texas legislature enacted a parental notification law that allows a minor to obtain an abortion without notification of her parents if she demonstrates to a court that she has complied with one of three ''judicial bypass'' provisions: (1) that she is ''mature and sufficiently well informed'' to make the decision without notification to either of her parents; (2) that notification would not be in her best interest; or (3) that notification may lead to her physical, sexual, or emotional abuse.

During Justice Owen's first confirmation hearing, Senator CANTWELL questioned Justice Owen about her positions in cases interpreting this law, focusing on Justice Owen's insistence in In re Jane Doe. In that case, a teenager is required to consider ''philosophic, social, moral, and religious'' arguments before seeking an abortion. In her opinion, Justice Owen cited the Supreme Court's decision in Planned Parenthood of Southeastern Pennsylvania v. Casey to support her contention that States can require minors to consider religious views in their decision to have an abortion. But, as Senator CANTWELL noted, Casey in no way authorizes States to require minors to consider religious arguments in their decision on whether to have an abortion. Upon this further questioning, Justice Owen then said that she was referring to another Supreme Court case, H.L. v. Matheson, even though her opinion only cited Casey for this proposition. And even Matheson does not say that minors can be required by State law to consider religious arguments. It is my view that Justice Owen was going beyond not only a plain reading of the Texas statute, but Supreme Court case law, and inappropriately injecting her own personal views to make it more difficult for a minor to comply with the statute and obtain an abortion.

I was also not satisfied with Justice Owen's responses to my questions about bonuses to Texas Supreme Court law clerks. I asked her at the hearing whether she saw any ethical concerns with allowing law clerks to receive bonuses from their prospective employers during their clerkships. I also explored the topic further with her in followup written questions. Justice Owen stated repeatedly in her written responses to my questions that she is not aware of law clerks actually receiving bonuses while they were employed by the court. She reaffirmed that testimony in her second hearing. This seems implausble given the great amount of publicity given to Ian investigation pursued by the Travis County attorney of exactly that practice and the well publicized modifications to the Texas Supreme Court's rules that resulted from that investigation and the accompanying controversy.

Even more disturbing, Justice Owen took the position, both at the first hearing and in her responses to written questions, that because the Texas Supreme Court Code of Conduct requires law clerks to recuse themselves from matters involving their prospective employers, there really is no ethical concern raised by law clerks accepting bonuses while employed with the court. I disagree. It is not sufficient for law clerks to recuse themselves from matters involving their prospective employers if they have received thousands of dollars in bonuses while they are working for the court. The appearance

of impropriety and unfairness that such a situation creates is untenable. As I understand it, the Federal courts have long prohibited Federal law clerks both from receiving bonuses during their clerkships and from working on cases involving their prospective employers. I am pleased that the Texas Supreme Court finally recognized this ethical problem and changed its code of conduct for clerks. Justice Owen, in contrast, seems intent on defending the prior, indefensible, practice.

Finally, I want to note the unusual nature of this particular nomination. Unlike so many nominees during the Clinton years, Justice Owen was considered in the Judiciary Committee under Senator LEAHY's leadership in 2002. She had a hearing, and she had a vote. Her nomination was rejected. This has been the first time in history that a circuit nominee who was formally rejected by the committee, or the full Senate for that matter, has been renominated by the same President to the same position. I do not believe that defeated judicial nominations should be reconsidered like legislation that is not enacted. After all, legislation can be revisited after it is enacted. If Congress makes a mistake when it passes a law, it can fix that mistake in subsequent legislation. Let us all remember that judicial appointments are for life. Confirmations cannot be taken back or fixed. A vote to confirm a nominee is final. A vote to reject that nominee should be final as well. For the President to renominate a defeated nominee and the Senate to reconsider her simply because of the change of a few seats in an election cheapens the nomination process and the Senate's constitutional role in that process.

I believe Justice Owen is bright and accomplished, but I sincerely believe that based on her judicial record, Justice Owen is not the right choice for this position.

Ms. CANTWELL. Mr. President, I discuss the nomination of Priscilla Owen to the Fifth Circuit Court of Appeals, and to briefly discuss the compromise before us on the so-called nuclear option.

I continue to oppose all three of the nominees that will proceed to up-or-down votes as the result of this compromise, and I will be voting against cloture on Priscilla Owen as a result. But I do acknowledge the importance of preserving the process of debating judicial nominees. I do not feel that the filibuster has been misused with regard to President Bush's nominees, as I'll explain shortly, but I am impressed at the efforts of my colleagues on both sides of the aisle to avoid the all-or-nothing nuclear option vote that threatened to cause us to break down as an institution.

I also express my hope that the term ''extraordinary circumstances'' that is in this compromise is interpreted sensibly. When extreme nominees threaten the balance of our federal courts, I view those as extraordinary circumstances. I will continue to vote to block any nominee who is not suitable for the bench, and it will continue to be an unusual exception for me not to support a nominee. My standard has been extraordinary circumstances all along.

As a former member of the Judiciary Committee, I attended a hearing on Priscilla Owen that lasted a full day. During that hearing, Owen's record showed a particular disregard for precedent and the plain rule of law.

Anyone who walks into a courtroom as a plaintiff or a defendant in this country should do so having the full confidence that there is impartiality on the part of the judge on the bench. They should have total confidence that the rule of law will be followed, and believe the issues will be judged on their merits rather than viewed through the prism of an individual judge's personal values or beliefs.

There is reason to be concerned about the record of Priscilla Owen. Time after time, even her own Republican colleagues, on a predominantly Republican Texas Supreme Court bench, criticized her for failing to follow precedent or interpreting statutes in ways that ignore the clear intent of the law.

What some of Owen's colleagues on the bench have said about her opinions I think is important. In a case dealing with a developer seeking to evade Austin's clean water laws, her dissent was called ''nothing more than inflammatory rhetoric.''

In another case, her statutory interpretation was called ''unworkable.'' In yet another case, the dissent she joined was called ''an unconscionable act of judicial activism.''

There is another reason this nomination is so important. This is critical to all the nominees we are considering for appointment to the Federal bench, and especially important for you here this morning. That is, what is the judicial philosophy and commitment to upholding current law as it relates to a citizen's right to privacy. I asked Justice Owen at her hearing about her beliefs on the right to privacy. I asked her if she believed there was constitutional right to privacy and where she found that right in the Constitution.

She declined at the time to answer that question without the relevant case information and precedents before her. When Senator FEINSTEIN followed up with a similar question, Owen against would not answer whether she believes a right to privacy does exist within the Constitution.

The question of whether a nominee believes that the right to privacy exists with regard to the ability to make decisions about one's own body is only the tip of the privacy iceberg. I believe that we are in an information age that poses new challenges in protecting the right to privacy. We are facing difficult issues including whether U.S. citizens have been treated as enemy combatants in a prison without access to counselor trial by jury, whether businesses have access to some of your most personal information, whether the Government has established a process for eavesdropping or tracking U.S. citizens without probable cause, and whether the Government has the ability to develop new software that might track the use of your own computer and places where you might go on the Internet without your consent or knowledge. There are a variety of issues that are before us on an individual's right to privacy and how that right to privacy is going to be interpreted. A clear understanding of a nominee's willingness to follow precedent on protecting privacy is a very important criterion for me, and it should be a concern for all Members.

Of course, some of my concern and skepticism about Justice Owen's views on privacy results from the opinions she wrote in a series of cases interpreting the Texas law on parental notification. In 2000 the State of Texas passed a law requiring parental notification. But they also included a bypass system for extreme cases.

Eleven out of 12 times Owen analyzed whether a minor should be entitled to bypass the notice requirement, she voted either to deny the bypass or to create greater obstacles to the bypass.

Owen wrote in dissent that she would require a minor to demonstrate that she had considered religious issues surrounding the decision and that she had received specific counseling from someone other than a physician, her friend, or her family. Requirements, I believe, that go far beyond what the statute requires.

In interpreting the ''best interest'' arm of the statute, Owen held that a minor should be required to demonstrate that the abortion itself—not avoiding notification—was in the individual's best interests. In this particular case, I think she went far beyond what the statue required.

Where does that put us? Women in this country rely on the right to choose. It is an issue on which we have had 30 years of settled law and case precedent. In the Fifth Circuit, there are three States that continue to have unconstitutional laws on the books, and legislatures that are hostile to that right to choose. The Federal courts are the sole protector of women's right to privacy in these states. I do not believe that the rights of the women of the Fifth Circuit can be trusted to Justice Priscilla Owen.

The Senate provides each of us with the procedural privilege to thoroughly discuss my concerns about this nominee—the filibuster. The filibuster has been used against me on issues I care deeply about, just as I have used this procedure when it was necessary to protect the people of my state. This body, in which I am so privileged to serve, is more important than any one of us, precisely because even one Senator can stand up for her state in the face of a powerful majority.

This agreement, whatever else I might think of it, preserves the rights in this body that make it unique and that give it the most credibility. Each of us has to respect the views of the rest. When 40 of us stand together, the other 60 must negotiate. That is healthy and that is what happened here. The rules of the Senate, and the existence of the Federal judiciary itself, pose proper checks on majority and Presidential power. That is the way it should stay.

Mr. KYL. Mr. President, I want to respond to a statement that the Senior Senator from West Virginia made yesterday. In his remarks, the Senator conceded the legitimacy of the constitutional option, what he called the ''nuclear option,'' as a way for the Senate to determine its practices and procedures. The option is, of course, the leader's right to obtain a ruling from the presiding officer that certain actions of Senators are dilatory and cannot preclude the Senate from voting on a judicial nomination.

Here is what he said: ''The so-called nuclear option has been around for a long time. It doesn't take a genius to figure that out.'' He went on to explain that this constitutional option had been available since at least 1917, and he repeatedly emphasized that this tool has been around ''for a long time.''

I appreciate this acknowledgment from the Senator from West Virginia, because I know he has studied the history of the Senate, and I know he has intimate familiarity with the workings of the Constitutional Option. There is nothing new about the constitutional option, as I discussed in my May 19 floor speech outlining the legal and constitutional rationale for its exercise. The constitutional option is simply the Senate's exercise of its power to define its own procedures—a power that comes directly from the Constitution and has been affirmed by the Supreme Court. (U.S. v. Ballin, 144 U.S. 1 (1892)) I appreciate that the Senator has acknowledged its legitimacy.

The Senator from West Virginia also argued, however, that past majority leaders have never used the constitutional option to ''tamper'' with extended debate. As my May 19 statement established, as did yesterday's statements by Senators MCCONNELL, HATCH, and BENNETT, that is not actually the case.

The fact is that the Senator himself used the constitutional option four times when serving as majority leader—in one case to outright eliminate the filibuster for motions to proceed to Executive Calendar nominations. Moreover, in February 1979, he forced the minority to agree to a formal rules change after credibly threatening that he would exercise the constitutional option. At that time, the Senator said on this floor, ''if I have to be forced into a corner to try for a majority vote, I will do it because I am going to do my duty as I see my duty, whether I win or lose.''

The Senate was nearly forced into a similar ''corner'' this week. Had Democrats not supported cloture on Priscilla Owen today, then all Senators would have had to make a conclusive decision as to whether it should take 60 or 51 votes to confirm a judge. Instead, we are putting off that decision until another day.

That may still come. And if it does come, I hope that we hear no more talk of the ''illegitimacy'' of the constitutional option. There is plenty to discuss as to whether exercising the option is prudential in a particular case. Some of the debate these past few days has addressed that prudential question, including some of the discussion from the Senator from West Virginia. But there has also been talk about the constitutional option being a case of ''lawlessness'' or ''breaking the rules to change the rules.'' The constitutional option is a part of Senate history. In Senator BYRD's words, it ''has been around for a long time.''

And it will always be with us. The constitutional option is not, as the minority leader has repeatedly insisted, ''off the table.'' It is simply unnecessary at present. If it becomes necessary again, we may be called on to live up to our responsibilities to the Constitution and to the Senate to ensure that we restore our traditions and guarantee up-or-down votes to all judicial nominees who reach the Senate floor.

Mr. CORNYN. Mr. President, at various times during the course of debate in recent days over the nomination of Justice Priscilla Owen, a number of her previous rulings have been badly mischaracterized. Last Thursday, May 19, I rose to speak about a number of those cases and to correct the record. And just this morning, I published an op-ed in National Review Online to further rebut these baseless criticisms. I ask unanimous consent that an excerpt of that op-ed be printed in the RECORD.

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

It is now conceded that Justice Owen, Justice Brown, and Judge Pryor all deserve up-or-down votes. I happen to know personally that the case against Justice Owen was especially weak, because I know Priscilla personally from our service together on the Texas supreme court. Just consider the following litany of supposedly ''out of the mainstream'' rulings for which she was criticized:

A number of senators criticized Justice Owen's opinion in *Montgomery Independent School District* v. *Davis*. One senator specifically attacked her for failing to protect a teacher who was ''wrongly dismissed.'' The case involved the authority of a local school board to dismiss a poorly performing and abusive teacher. The teacher had admitted that she had referred to her students as ''little s***s.'' When confronted, the teacher justified the use of the expletive on the bizarre ground that she used exactly the same language when talking to her own children. The teacher regularly insulted parents as well. The opinion joined by Justice Owen concluded that the school board was authorized to dismiss this teacher. It noted that the majority's ruling ''allows a state hearing examiner to make policy decisions that the Legislature intended local school boards to make,'' and that the majority had ''misinterpreted the Education Code.''

One senator attacked Justice Owen for her opinion in *Texas Farmers Insurance Co.* v. *Murphy*. In this case, Justice Owen simply joined an opinion holding that neither an arsonist nor his spouse should benefit from his crime by recovering insurance proceeds. The opinion followed two unanimous decisions of the Fifth Circuit, the very court to which Justice Owen has been nominated.

Justice Owen was also criticized for a ruling she and I both joined in *Peeler v. Hughes & Luce and Darrell C. Jordan*—in which we simply held that an admitted criminal could not benefit from criminal activity by suing the criminal-defense attorney for malpractice.

A number of senators focused on Justice Owen's opinion in *FM Properties Operating Co. v. City of Austin*. One senator specifically criticized her for refusing to rule that a Texas water law ''was an unconstitutional delegation of legislative authority.'' Yet liberal attorneys regularly criticize the nondelegation doctrine and claim that conservatives wrongly use it to invalidate laws duly enacted by the legislature. In fact, just last month one senator criticized another nominee, Bill Pryor, for championing the nondelegation doctrine. So Justice Owen's critics seem to argue that if you support the nondelegation doctrine, you are out of the mainstream, and that if you oppose the nondelegation doctrine, you are out of the mainstream. It reminds me of a country-western song: ''Darned If I Don't, Danged If I Do.''

One senator claimed that, in *Read v. Scott Fetzer Co.*, Justice Owen ruled that a woman raped by a vacuum-cleaner salesman could not sue the company that had employed him after failing to undertake a standard background check—an allegation recently articulated in an op-ed in *Roll Call*. Yet as my letter to the editor noted, that allegation is plainly false. As the opinion joined by Justice Owen noted, ''[n]o one questions that [the company that had hired the rapist] is liable.'' The justices simply disagreed on whether another company—one that had not hired the rapist and had no relationship with the rapist—should also have been held liable.

Justice Owen was also criticized for her ruling in *Hyundai Motor Co. v. Alvarado*. In that case, an automobile alleged to be defective had in fact fully satisfied the federal standard then in effect. The plaintiff chose to sue anyway, despite federal law. Justice Owen simply held that Congress had forbidden such lawsuits once the federal standard had been met—a technical legal doctrine known as federal preemption. For this, she was sharply criticized. Yet her opinion simply followed the ''solid majority of the courts to consider this issue''—including precedents authored by judges appointed by President Jimmy Carter. Moreover, the U.S. Supreme Court later adopted Justice Owen's approach (*Geier v. American Honda Motor Co., Inc.*), in an opinion authored by Clinton appointee, and former Democrat chief counsel of the Senate Judiciary Committee, Justice Stephen Breyer.

Justice Owen was likewise criticized for her rulings in *Quantum Chemical Corp. v. Toennies*, a case involving a Texas civil-rights law expressly modeled after Title VII of the federal Civil Rights Act of 1964, and *City of Garland v. Dallas Morning News*, a Texas open-government law modeled after the federal Freedom of Information Act. Once again, all she did was follow precedents adopted by appointees of Presidents Carter and Clinton.

Justice Owen and I happened to disagree in *Weiner v. Wasson*, a case involving a technical matter of applying a statute of limitations to a medical malpractice suit. One senator argued that my opinion was ''a lecture

to the dissent'' about the importance of *stare decisis* and following precedent. The argument is baseless. In fact, Justice Owen didn't try to overturn precedent in that case; only the defendant did. Moreover, Justice Owen's ruling contained an equally emphatic ''lecture'' to the defendant about the importance of following precedent.

And of course, there were the now-famous cases involving the popular Texas parental-notification law—a parental-rights law that generally requires minors to notify one parent before obtaining an abortion. Readers should ask themselves one simple question: Who would you trust to analyze and determine the quality of Justice Owen's legal analysis in those cases? The author of the Texas law—who supports Owen? Her former colleagues on the court, including former Justices Alberto Gonzales and Greg Abbott, who support her? Now-Attorney General Alberto Gonzales, who has testified—under oath—that he supports Justice Owen and that, contrary to false reports, he never accused her of ''judicial activism''? The pro-choice Democrat law professor appointed by the Texas supreme court to set up procedures under the statute—who supports Owen, and who has written: ''If this is activism, then any judicial interpretation of a statute's terms is judicial activism''? Or do you trust the liberal special-interest groups who sharply opposed the Texas law, and never wanted that law to be enacted in the first place? Or the groups who literally make a living destroying the reputation of this president's nominees?

The attacks on these rulings by Justice Owen reminded me of what Mark Twain once said: ''A lie can travel halfway around the world while the truth is still putting on its shoes.'' But let's keep our eye on the ball. The American people know a controversial ruling when they see one—whether it's the redefinition of marriage, or the expulsion of the Pledge of Allegiance and other expressions of faith from the public square—whether it's the elimination of the three-strikes-and-you're out law and other penalties against convicted criminals, or the forced removal of military recruiters from college campuses. Justice Owen's rulings fall nowhere near this category of cases. There is a world of difference between struggling to interpret the ambiguous expressions of a legislature, and refusing to obey a legislature's directives altogether.

Thankfully, the Senate has now effectively acknowledged this important distinction, by guaranteeing Justice Owen an up-or-down vote after four long years.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. 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. INHOFE. What is the regular order?

The PRESIDING OFFICER. The Senate business is the nomination of Priscilla Owen to be United States Circuit Court Judge.

Mr. INHOFE. I ask unanimous consent I be allowed to speak as in morning business for such time as I consume.

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

GLOBAL WARMING

Mr. INHOFE. Mr. President, over the past few weeks, I have debunked the notion of scientific consensus about global warming. The claim there is consensus rests on four fundamental pillars. My previous talks made clear that the first three pillars are made of sand.

It is not true, for example, that the National Academy of Sciences believes the science of climate change is settled. In fact, the report is replete with caveats, warning the reader of the many uncertainties associated with claims of global warming. Yet advocates continue to recite small excerpts while ignoring the caution about uncertainties contained within the same paragraph or even the same science.

It is also not true that the second pillar, the U.N. science report known as the IPCC, proves a consensus. The flagship study on which the IPCC report relies, known as the hockey stick, which shows an unprecedented rise in 20th century temperatures, has been thoroughly discredited by scientists on both sides of the debate. In fact, recently, and since 1999, there hasn't been anyone who has agreed there is authenticity to the issue. In addition, the U.N. report relies on an explosive increase in emissions from poor countries over the next century based on the political decision by the report's author that countries such as Algeria will be as wealthy or wealthier than the United States.

The third pillar, supposedly proving that the science is settled that the Arctic is melting, is based on political science. Arctic temperatures are no warmer than they were in the 1930s. Similarly, the thickness of the Arctic glaciers and the sea ice appears to vary naturally by as much as 16 percent annually.

These and other factors which the alarmists find inconvenient would seem to indicate that projections of an Arctic climate catastrophe are speculative, at best.

Today I conclude the series on the four pillars of climate alarmists by discussing the problems associated with global climate models.

Let me begin by briefly explaining the climate models and how they function. Climate models help scientists describe changes in the climate system. They are not models in the conventional sense; that is, they are not physical replicas. Rather, they are mathematical representations of the physical laws and processes that govern the Earth's climate. According to Dr. David Legates of the University of Delaware, climate models ''are designed to be descriptions of the full three-dimensional destruction of the earth's climate.'' Dr. Legates claims models are used ''in a variety of applications, including the investigation of the possible role of various climate forcing mechanisms and the simulation of past and future climates.''

Thousands of climate changes studied rely on computer models. The Arctic Council, whose work I addressed last week, stated that arctic warming and the impact stemming from that warming are firmly established by computer models.

Quoting from him:

> While the models differ in their projections of some of the features of climate change, they are all in agreement that the world will warm significantly as a result of human activities, and that the Arctic is likely to experience noticeable warming, particularly early and intensely.

Similarly, the IPCC, which I also discussed in the earlier talks, relied on such earlier models to project a long-term temperature increase ranging from 2.5 to 10.4 degrees Celsius and assorted and potentially dangerous climate changes over the next century.

According to Dr. Kenneth Green, Dr. Tim Ball, and Dr. Steven Schroeder, the politicians clearly do not realize that the major conclusions of the IPCC's reports are not based on hard evidence and observation but, rather, largely upon the output of assumption-driven climate models.

The alarmists cite the results of climate models as proof of the catastrophic warming hypotheses. Consider one alarmist's description, who wrote recently:

> Drawing on highly sophisticated computer models, climate scientists can project, not predict, how much temperatures may rise by say 2100 if we carry on with business as usual.

He continues:

> Although scenarios vary, some get pretty severe, and so do the projected impacts of climate change, rising sea levels, species extensions, glacier melting and so forth.

It sounds pretty scary, but the statement is completely false. It sheds no light on the likelihood or reliability of such projections. If, for example, a model shows a significant temperature increase over the next 50 years, how much confidence do we have in that projection? Attaching probabilities to model results is extremely difficult and rife with uncertainties.

In the 2000 edition of ''Nature,'' four climate modelers noted that:

> A basic problem with all such predictions to date has been the difficulty of providing any systematic estimate of uncertainty.

This problem stems from the fact that:

> These [climate] models do not necessarily span the full range of known climate system behavior.

According to the National Academy of Sciences:

> . . . without an understanding of the sources and degree of uncertainty, decision-makers could fail to define the best ways to deal with the serious issue of global warming.

This fact should temper the enthusiasm of those who support Kyoto-style regulations that will harm the American economy.

Previously, we have talked about the harm to the economy and have referred to the Wharton Econometric Survey which was conducted by the Wharton School of Economics. It gets into a lot of detail as to what is going to happen.

For example, to comply with Kyoto, it would cost the average family of four some $2,700 a year. So it is a very significant thing.

Now note, too, the distinction between ''project'' and ''predict.'' The alarmist writer noted earlier creates the misimpression that a projection is more solid than a prediction. But a projection is the output of a model calculation. Put another way, it is only as good as the model's equations and inputs. As we will see later in this presentation, such inputs or assumptions about the future can be extremely flawed, if not totally divorced from reality. And this, to be sure, is only one of the many technical shortcomings that limit the scientific validity of climate modeling.

Unfortunately, rarely does any scrutiny accompany model simulations. But based on what we know about the physics of climate models, as well as the questionable assumptions built into the models themselves, we should be very skeptical of their results. This is exactly the view of the National Academy of Sciences. According to the NAS:

> Climate models are imperfect. Their simulation skill is limited by uncertainties in their formulation, the limited size of their calculations, and the difficulty of interpreting their answers that exhibit as much complexity as in nature.

At this point, climate modeling is still a very rudimentary science. As Richard Kerr wrote in Science magazine:

> Climate forecasting, after all, is still in its infancy.

Models, while helpful for scientists in understanding the climate system, are far from perfect. According to climatologist Gerald North of Texas A&M University:

> It's extremely hard to tell whether the models have improved; the uncertainties are large.

Or as climate modeler Peter Stone of the Massachusetts Institute of Technology put it:

> The major [climate prediction] uncertainties have not been reduced at all.

Based on these uncertainties, cloud physicist Robert Charlson, professor emeritus at the University of Washington-Seattle, has concluded:

> To make it sound like we understand climate is not right.

This is not to deny that climate modeling has improved over the last three decades. Indeed, scientists have constructed models that more accurately reflect the real world. In the 1970s, models were capable only of describing the atmosphere, while over the last few years models can describe, albeit inadequately, the atmosphere, land surface, oceans, sea ice, and other variables.

But greater complexity does not mean more accurate results. In fact, the more variables scientists incorporate, the more uncertainties arise. Dr. Syukuro Manabe, who helped create the first climate model that coupled the atmosphere and oceans, has observed:

> Models that incorporate everything from dust to vegetation may look like the real world, but the error range associated with the addition of each new variable could result in near total uncertainty. This would represent a paradox: The more complex the models, the less we know.

We are often reminded that the IPCC used sophisticated modeling techniques in projecting temperature increases for the coming century. But as William O'Keefe and Jeff Kueter of the George C. Marshall Institute pointed out in a recent paper:

> The complex models envisioned by the IPCC have many more than twenty inputs, and many of those inputs will be known with much less than 90 percent confidence.

Also, tinkering with climate variables is a delicate business—getting one variable wrong can greatly skew model results. Dr. David Legates has noted that:

> Anything you do wrong in a climate model will adversely affect the simulation of every other variable.

Take precipitation, for example. As Dr. Legates noted:

> Precipitation requires moisture in the atmosphere and a mechanism to cause it to condense (causing the air to rise over mountains, by surface heating, as a result of weather fronts, or by cyclonic rotation). Any errors in representing the atmospheric moisture content or precipitation-causing mechanisms will result in errors in the simulation of precipitation.

Dr. Legates concluded:

> Clearly, the interrelationships among the various components that comprise the climate system make climate modeling difficult.

The IPCC, in its Third Assessment Report, noted this problem, and many others, with climate modeling, including—this is a quote from their report; the very basis that many of the alarmists are basing their decisions on:

> Discrepancies between the vertical profile of temperature change in the troposphere seen in observations and models.
>
> Large uncertainties in estimates of internal climate variability (also referred to as natural climate variability) from models and observations.
>
> Considerable uncertainty in the reconstructions of solar and volcanic forcing which are based on limited observational data for all but the last two decades.
>
> Large uncertainties in anthropogenic forcings associated with the effects of aerosols.
>
> Large differences in the response of different models to the same forcing.

I want to delve a little deeper into the first point concerning the discrepancies between temperature observations in the troposphere and the surface. This discrepancy is very important because it tends to undermine a key assumption supporting the warming hypothesis—that more rapid warming should occur in the troposphere than at the surface, creating the so-called greenhouse ''fingerprint.'' But the National Research Council believes real-world temperature observations tell a different story.

In January of 2000, the NRC panel examined the output from several climate models to assess how well they mimicked the observed surface and lower atmospheric temperature trends. They found that:

> Although climate models indicate that changes in greenhouse gases and aerosols play a significant role in defining the vertical structure of the observed atmosphere, model-observation discrepancies indicate that the definitive model experiments have not been done.

John Wallace, the panel chairman and professor of atmospheric sciences at the University of Washington, put it more bluntly. He said:

> There really is a difference between temperatures at the two levels that we don't fully understand.

More recently, researchers at the University of Colorado, Colorado State University, and the University of Arizona, examined the differences between real-world temperature observations with the results of four widely used climate models. They probed the following question: Do the differences stem from uncertainties in how greenhouse gases and other variables affect the climate system or by chance model fluctuations; that is, the variability caused by the model's flawed representation of the climate system?

As it turned out, neither of these factors was to blame. According to the researchers:

> Significant errors in the simulation of globally averaged tropospheric temperature structure indicate likely errors in tropospheric water-vapor content and therefore total greenhouse-gas forcing, precipitable water, and convectively forced large-scale circulation.

Moreover, based on the ''significant errors of simulation,'' the researchers called for ''extreme caution in applying simulation results to future climate-change assessment activities and to attributions studies.

They also questioned ''the predictive ability of recent generation model simulations, the most rigorous test of any hypothesis.''

There does not seem to be much wiggle room here: Climate models are useful tools, but unable, in important respects, to simulate the climate system, undermining their ''predictive ability.''

Based on this hard fact, let me bring you back to the alarmist writer I referenced earlier. As he wrote recently:

> Drawing on highly sophisticated computer models, climate scientists can project—not predict—how much temperature may rise by, say, 2100, if we carry on with business as usual.

Again, based on what I have just recounted, this is disingenuous at best. I think a fairminded person would find it horribly misleading and inaccurate.

Another serious model limitation concerns the interaction of clouds and water vapor with the climate system.

Dr. Richard S. Lindzen, professor of meteorology at MIT, reports of ''terrible errors about clouds in all the

models.'' He noted that these errors ''make it impossible to predict the climate sensitivity because the sensitivity of the models depends primarily on water vapor and clouds. Moreover, if clouds are wrong,'' Dr. Lindzen said, ''there's no way you can get water vapor right. They're both intimately tied to each other.''

In fact, water vapor and clouds are the main absorbers of infrared radiation in the atmosphere. Even if all other greenhouse gases, including carbon dioxide, were to disappear, we would still be left with over 98 percent of the current greenhouse effect. But according to Dr. Lindzen, ''the way current models handle factors such as clouds and water vapor is disturbingly arbitrary. In many instances the underlying physics is simply not known.''

Dr. Lindzen notes that this is a significant flaw, because ''a small change in cloud cover can strongly affect the response to carbon dioxide.'' He further notes, ''Current models all predict that warmer climates will be accompanied by increasing humidity at all levels.'' Such behavior ''is an artifact of the models since they have neither the physics nor the numerical accuracy to deal with water vapor.''

I think sometimes you have to look at the science and the contradictions, and even if we don't thoroughly understand what these people are saying, the fact is, they contradict each other. Sometimes you have to go back and look at reality. If they say the increase in the use of carbon dioxide and the presence of it is the major thing causing anthropogenic gases and global warming temperatures, look at what happened right after the war. After the war, they increased the use of CO_2 by 85 percent. You would think that would precipitate a warmer period, but it didn't. It precipitated a cooling period. When you get back to the arguments and discrepancies, they agree there are problems.

Along with water vapor and clouds, aerosols, or particles from processes such as dust storms, forest fires, the use of fossil fuels, and volcanic eruptions, represent another major uncertainty in climate modeling. To be sure, there is limited knowledge of how aerosols influence the climate system. This, said the National Academy of Sciences, represents ''a large source of uncertainty about future climate change.''

Further, the Strategic Plan of the U.S. Climate Change Science Program, CCSP, which was reviewed and endorsed by the National Research Council, concluded that the ''poorly understood impact of aerosols on the formation of both water droplets and ice crystals in clouds also results in large uncertainties in the ability to project climate changes.''

Climate researcher and IPCC reviewer Dr. Vincent Gray reached an even stronger conclusion, stating that ''the effects of aerosols, and their uncertainties, are such as to nullify completely the reliability of any climate models.''

Another issue affecting model reliability is the relative lack of available climate data, something the National Research Council addressed in 2001. According to the NRC, ''[a] major limitation of these model forecasts for use around the world is the paucity of data available to evaluate the ability of coupled models to simulate important aspects of past climate.''

There is plenty of evidence to support this conclusion. Consider, for example, that most of the surface temperature record covers less than 50 years and only a few stations are as much as 100 years old. The only reliable data come from earth-orbiting satellites that survey the entire atmosphere. Notably, while these temperature measurements agree with those taken by weather balloons, they disagree considerably with the surface record.

There is also concern of an upward bias in the surface temperature record, caused by the ''urban heat island effect.'' Most meteorological stations in Western Europe and eastern North America are located at airports on the edge of cities, which have been enveloped by urban expansion. In the May 30, 2003, issue of Remote Sensing of Environment, David Streutker, a Rice University researcher, found an increase in the Houston urban heat island effect of nearly a full degree Celsius between 1987 and 1999. This study confirmed research published in the March 2001 issue of Australian Meteorological Magazine, which documented a significant heat island effect even in small towns.

Although climate modelers have made adjustments to compensate for the urban heat island effect, other researchers have shown such adjustments are inadequate. University of Maryland researchers Eugenia Kalnay and Ming Cai, in Nature magazine, concluded that the effect of urbanization and land-use changes on U.S. average temperatures is at least twice as large as previously estimated.

Finally, to expand on a point I raised earlier, climate models are helpful in creating so-called ''climate scenarios.'' These scenarios help scientists describe how the climate system might evolve. To arrive at a particular scenario, scientists rely on model-driven assumptions about future levels of economic growth, population growth, greenhouse gas emissions, and other factors. However, as with the IPCC, these assumptions can create wildly exaggerated scenarios that, to put it mildly, have little scientific merit. In 2003, scientists with the Federal Climate Change Science Program agreed that potential environmental, economic, and technological developments ''are unpredictable over the long time-scales relevant for climate research.''

William O'Keefe and Jeff Keuter of the George C. Marshall Institute reiterated this point recently. As they wrote, ''The inputs needed to project climate for the next 100 years, as is typically attempted, are unknowable. Human emissions of greenhouse gases and aerosols will be determined by the rates of population and economic growth and technological change. Neither of these is predictable for more than a short period into the future.''

Put simply, computer model simulations cannot prove that greenhouse gas emissions will cause catastrophic global warming. Again, here's the National Academy of Sciences: ''The fact that the magnitude of the observed warming is large in comparison to natural variability as simulated in climate models is suggestive of such a linkage, but it does not constitute proof of one because—and this is a point I want to emphasize—the model simulations could be deficient in natural variability on the decadal to century time scale.''

It's clear that climate models, even with increasing levels of sophistication, still contain a number of critical shortcomings. With that in mind, policymakers should reject ridiculous statements that essentially equate climate model runs with scientific truth.

As I discussed today, climate modeling is in its infancy. It cannot predict future temperatures with reasonable certainty that these predictions are accurate. The physical world is exceedingly complex, and the more complex the models, the more potential errors are introduced into the models. We understand little about how to accurately model the troposphere and about the role of aerosols, clouds and water vapor. Moreover, there are enormous data gaps in the very short temperature records that we have. And surface data often conflict with more accurate balloon and satellite data.

Models can enhance scientists' understanding of the climate system, but, at least at this point, cannot possibly serve as a rational basis for policymaking. It seems foolish in the extreme to undermine America's economic competitiveness with policies based on computer projections about what the world will look like in 100 years. In short, we have no idea what the world will look like in 20 years, or even 10 years.

So this concludes the fourth of the pillars of climate alarmists, hopefully just to show the science is flawed.

I think it is clear, as I mentioned a minute ago, that the science is not there. Since 1999, the old argument of Michael Mann, the guy who invented the hockey-stick theory, where he was measuring the Earth's temperatures, we come into the 20th century—and that is the blade on the hockey stick—he intentionally left out the fact that between the years 700 A.D. and 1100 A.D., there is another blade on the hockey stick that went up the other way and temperatures were warmer than they are today.

If you read the Wharton Econometrics Survey, you will realize what will happen to America if we were to

sign on to this, the economic damage we would have to sustain, the fact it would double the cost of energy, double the cost of gasoline to run our cars, and it would cost the average American family $2,700, and you have to ask the question: If the science is not real and it would inflict that much danger, what is the reason we are doing it?

I think we can find the answer in quoting from Margot Wallstrom. Margot Wallstrom is the European Union's Environment Commissioner. She states that Kyoto is not about climate change, it is ''about leveling the playing field for big businesses worldwide.''

One of your favorite people, I am sure, French President Jacques Chirac, in a speech during The Hague in 2000, said that Kyoto represents ''the first component of an authentic global governance.''

I think we have had an opportunity to discuss this over and over, and it is somewhat warming to me to realize that things are not getting that much warmer, and if that is happening, the science is not showing it is due to anthropogenic gases.

Consequently, we as policymakers, have to look at this and be sure before we make any rash decisions that the science is there. Clearly, the science is not there.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

STEM CELL RESEARCH

Mr. HARKIN. Mr. President, the House of Representatives just minutes ago took a historic stand on behalf of the millions of Americans who can benefit from the enormous promise of stem cell research. By a vote of 238 yeas to 194 nays, the House passed H.R. 810. I congratulate both Congressman CASTLE, a Republican from Delaware, and Congresswoman DEGETTE, a Democrat from Colorado, who led a bipartisan effort in this regard to have this very historic vote in the House of Representatives.

Indeed, a bipartisan majority rejected the restrictive policies of this administration and voted to expand the number of stem cell lines that are eligible for federally funded research. In doing so, they have brought new hope to Americans who suffer from diseases such as Parkinson's and juvenile diabetes, ALS, as well as spinal cord injuries.

Now it is up to us in the Senate to pass the same bill without amendments so we can send it to the President's desk as soon as possible. The American people cannot afford to wait any longer for our top scientists to realize the full potential of stem cell research.

Regrettably, research has been stymied and slowed under the President's stem cell policy. When President Bush announced his policy, the administration said that 78 stem cells lines were eligible for federally funded research, meaning they had to be derived before the totally arbitrary date and time of August 9, 2001, at 9 p.m. Why it was permissible to use stem cell lines derived before 9 p.m. but not at 9:01 or 9:05 p.m. has always eluded me. Again, it is just an arbitrary time and date.

The administration said there were 78 stem cell lines, but now we know today that only 22 of those are available for research, not nearly enough to reflect the genetic diversity that scientists need. But more importantly, all 22 stem cell lines—all 22—that are available under the President's policy are contaminated with mouse feeder cells, making them useless for humans.

So the President's policy is not a way forward; it is, indeed, a dead-end street. It offers only false hope to the millions of people across this country who are suffering from diseases that could be potentially cured or treated through stem cell research.

We need a policy that offers true, meaningful hope to these patients and their loved ones. That is why Senator SPECTER and I, along with Senators HATCH, FEINSTEIN, SMITH, and KENNEDY, introduced a companion bill to the Castle-DeGette legislation that just passed the House. Our bill expands the number of stem cell lines that federally funded scientists can study by lifting the arbitrary eligibility date of August 9, 2001.

Under our legislation, all stem cell lines would be eligible for Federal research regardless of the date they were derived, as long as they met strict ethical requirements.

Since August of 2001, scientists have made great strides and great advances in deriving stem cell lines. Many of the new lines were grown without mouse feeder cells. So I ask, should not our top scientists be studying those lines that have great potential and which could be used to alleviate human suffering, instead of being limited to the 22 cell lines contaminated with mouse cells that will never be used in humans?

We do not require our astronomers to explore the heavens with 19th century telescopes. We do not require our geologists to study the Earth with a tape measure. If we are serious about realizing the promise of stem cell research, our biomedical researchers need access to the best stem cell lines available.

I also emphasize that none of the additional lines would require the creation of any new embryos. Instead, these lines could be derived from any of the more than 400,000 embryos that remain from fertility treatments and will otherwise be discarded. We are talking about embryos that are going to be thrown away, legally. Should we not use them instead to ease human suffering?

Think about this: We have 400,000 frozen embryos left over from in vitro fertilization. When a woman who has been a donor of these eggs notifies that they are no longer wanted, that she is not going to use them—maybe she has already had a child or two and does not need these embryos—that person can give permission to discard them. Why should that person not be able to give permission to allow them to be used by our top scientists for stem cell research that could then save other lives? That is what some people are asking us to do—just throw them away, do not let them be used for research that could save human suffering and save human lives. To this Senator, that simply does not make any sense.

So as I said, we have strict ethical guidelines that are set up so that they cannot be used for cloning, they cannot be used for other things; only to derive the stem cells. That is all. If there is a person who can give the authority right now to the in vitro fertilization clinic to discard them, why should that person not have the right to say, No, use those frozen embryos to derive stem cells so that someone with a spinal cord injury might walk again, so that someone with ALS can escape the death sentence, so that someone with Parkinson's can be returned to normal functioning?

The House performed a great public service today. I thank both sides of the aisle, Republicans and Democrats, who stepped up and voted for this bill. By passing the Castle-DeGette bill, they have given hope to millions of suffering humans that we will indeed proceed with stem cell research that will alleviate their suffering. It is now time for the Senate to act.

So together with Senator SPECTER, we are going to urge the majority leader to bring up the bill as soon as possible and let us have a vote in the Senate and get this bill to the President so we can move ahead with embryonic stem cell research in this country.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. FRIST. I ask unanimous consent that when the Senate resumes consideration of the Owen nomination tomorrow morning, the time until 12 noon be equally divided between the two leaders or their designees; provided further that at noon, all time be expired under rule XXII and the Senate proceed to the vote on the confirmation of the nomination with no intervening action or debate; and provided further, following that vote, the President be immediately notified of the Senate's action.

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

MORNING BUSINESS

Mr. FRIST. I ask unanimous consent there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

HONORING OUR ARMED FORCES

MARINE CORPORAL TODD GODWIN

Mr. DEWINE. Mr. President, I rise this afternoon to pay tribute to an exceptional young man who gave his life in the defense of freedom. Marine Cpl Todd Godwin, from Zanesville, OH, died on July 20, 2004, when the Humvee he was riding in was struck by shrapnel from a roadside explosive in the Al Anbar province in Iraq. He was 21 years old.

CPL Godwin was a sniper with the 1st Battalion, 8th Marines, 2nd Marine Division and was on his second tour-of-duty in Iraq. Always ready with a smile or a joke, Todd was an easy going, respectful person with a big heart. He was also a Marine through and through—something he took very seriously—something he had been training for his whole life.

Born on March 4, 1983, to Bill and Kathy Godwin, Todd was an alert, energetic child who grew up with an interest in the military. His father remembers him playing with G.I. Joes, wearing fatigues, and simulating wars. According to his brother, Aaron, the two boys would hang dolls outside and shoot at them with a BB gun, honing their targeting skills.

Apart from these activities, Todd sought to perfect his body. He could often be found working out at ''the Fieldhouse'' fitness center or practicing his Tae Kwon Do, for which he received two black-belts. Whether intentional or not, Todd seemed to be grooming himself for the military, acquiring a host of skills that would serve him well in the Marines.

After graduating from Zanesville Christian School in June 2001, he joined the Marines. His high school principal said that Todd ''had a goal of being a Marine, and he wasn't going to let anything get in the way of that.''

Todd excelled as a Marine and completed the intensely competitive and selective sniper training to win a spot in the sniper platoon. It was a spot he wanted because, according to his mother, ''He wanted to be with people who were really serious about what they did.'' Indeed, Todd Godwin was a serious Marine who took pride in his duty to defend our country and to spread freedom to other parts of the world.

Todd was an exemplary Marine and also just a good, decent person—the type of person others remember as having ''a way about them''—the type of person who was quick to smile, who was compassionate, and who was good at making people feel at ease. It seems as though everyone who knew Todd liked him.

One of his friends, Austin Thompson, remembers Todd's ability to laugh in almost any situation: ''He always had a great sense of humor, and he was also very loyal to his friends. He always looked out for them and loved to be with them.''

Todd encouraged one of his friends, Josh Carpenter, to ''hang tough'' in Marine boot camp. He wrote a letter to Josh that said, ''I'm sure you can't wait to graduate and get some of the comforts of life back. Just remember you have to pay your dues, just like every Marine. I'm sure you'll do fine—I have confidence you'll succeed.'' Josh had joined the Marines because he looked up to Todd. Todd's letter helped Josh get through the challenges of boot camp, so that he, too, could be one of the few and the proud.

A letter like that is a little thing, a small deed, but Todd Godwin was always doing those ''little things'' for others. That is just who he was. When Todd saw that his fiancee's younger brother, Caleb, was wearing a U.S. Navy tie clasp, he brought him a Marine clasp to wear, instead. It was a small gift that meant a great deal to Caleb, who describes Todd as ''my best buddy I ever had.''

One of Todd's friends from high school, Kimberly Burley, remembers another of his deeds that took place on the night of the Zanesville Christian School junior-senior banquet:

> It was raining that night, and he came out to greet all the girls at their car with an umbrella.

Such a gallant act was really typical of Todd. It was just another ''little thing'' he had done for others.

But, when we look at all the ''little things'' together—the letters, the tie clasps, the way he acted always, the jokes that made people smile—we see such a much bigger picture, a picture of an exceptionally caring, thoughtful, generous young man. We see that he did the ''little things'' for people because he had a very big heart.

Todd also had big plans. He was engaged to Andrea Mendenhall, whom he loved dearly. They were planning on getting married when Todd finished his tour of duty in Iraq. Todd and Andrea were going to go to college with money Todd was saving through the GI bill. They also talked of someday moving to Corpus Christi, TX. These plans, of course, were not realized because Todd, once again, was looking out for others, as he did all his life. His dreams were put on hold so that others could be free and safe and able to fulfill their own dreams.

Mr. President, and Members of the Senate, a uniform does not make a marine. The person wearing that uniform makes a marine. And, each color of that uniform signifies the characteristics of the marine inside it. Todd Godwin wore his uniform with pride. He exemplified the blue standing for bravery, the white standing for honor, and the red standing for sacrifice. Unique to the Marine uniform, of course, is the bright, red stripe that runs the length of each trouser leg—the ''bloodstripe.'' It represents all the blood shed by marines in battle. It is a red stripe of sacrifice—and for Todd Godwin, it represents the ultimate sacrifice.

Todd was truly a man of faith, who lived the Marine credo ''Semper Fidelis,'' which means, of course, ''always faithful.'' Todd was forever faithful to his friends and family, through his love and care; to his community, through his respect and good deeds; and to his country, through his courage and his sacrifice. For all that Todd gave us, we honor him today.

My wife, Fran, and I continue to keep Todd's parents, Bill and Kathy; his brother, Aaron; his sisters, Sarah and Anna; his grandparents, Clement and Esther Jones; and, the love of his life, Andrea Mendenhall, in our thoughts and in our prayers.

Mr. President, I thank the Chair and yield the floor.

THE HEAD START REAUTHORIZATION BILL

Mr. ALEXANDER. Mr. President, I cosponsor 1107, the Head Start Improvements for School Readiness Act, a bill to reauthorize Head Start. I join my colleagues Senators ENZI, KENNEDY, and DODD in support of this legislation.

I would like to see Head Start expanded and serve more children but first we must ensure that this program is accountable, financially solvent, and meeting the purpose for which it was intended.

This bill strengthens the Head Start program, making four key improvements by:

No. 1, establishing 200 Centers of Excellence that would serve as model Head Start programs across the country;

No. 2, providing that grantees shall re-compete to receive grants every 5 years to help ensure a constant, high level of quality;

No. 3, clearly defining ''deficiency'' so that local Head Start providers know the standards by which they will be held accountable; and

No. 4, providing clear authority to the governing boards to administer—and be held accountable for—local Head Start programs while ensuring policy councils, on which parents sit, continue to play an important advisory role.

Head Start has been one of our country's most successful and popular social programs. That is because it is based upon the principle of equal opportunity, which is at the core of the American character. Americans uniquely believe that each of us has the right to begin at the same starting line and that, if we do, anything is possible for anyone one of us.

We also understand that some of us need help getting to that starting line. Most Federal funding for social programs is based upon this understanding of equal opportunity. Head Start began

in 1965 to make it more likely that disadvantaged children would successfully arrive at one of the most important of our starting lines: the beginning of school.

Head Start over the years has served hundreds of thousands of our most at-risk children. The program has grown and changed. It has been subjected to debates and studies touting its successes and decrying its deficiencies. But Head Start has stood the test of time because it is so very important.

We have made great progress in what we know about the early growth and development of young children since Head Start began in 1965. At that time very few professionals had studied early childhood education. Even fewer had designed programs specifically for children in poverty with their many challenges.

The origins of Head Start come from an understanding that success for these children was not only about education. The program was designed to be certain these children were healthy, got their immunizations, were fed hot meals, and—of crucial importance—that their parents were deeply involved in the program.

From the beginning comprehensive services and parent and community involvement were essential parts of good Head Start programs. And that is still true today. In the early days, teacher training and curriculum were seen as less important. But we now know a great deal more about brain development and how children learn from birth.

Today young children are expected to learn more and be able to do more in order to succeed in school. Public schools offer kindergarten in response to these changes. And 40 States now offer early childhood programs.

As we reauthorize the Head Start program, it is important to recognize its importance and commit to making it stronger. But we must also recognize that the program is not fulfilling its promise. Head Start is not meeting its purpose of serving our children who are most at risk when dollars are being squandered by those people who have been charged with providing this service. Current practices do not meet my personal standard for managing and running a program.

This bill attempts to address this issue by holding up successful local programs so that others may follow their example and by clarifying lines of accountability so that any corrupt practices may be rooted out. The bill would create a way for States to help strengthen and coordinate Head Start, but would continue to send Federal funds directly to nearly 1,700 grantees that provide services in over 29,000 Head Start centers that serve just over 900,000 disadvantaged children.

First, the bill authorizes the Secretary of HHS to create a nationwide network of 200 Centers of Excellence in Early Childhood built around exemplary Head Start programs. These Centers of Excellence would be nominated by governors. Each Center of Excellence would receive a Federal bonus grant of at least $200,000 in each of 5 years, in addition to its base funding.

The Centers of Excellence bonus grants will be used for centers:

No. 1, to work in their community to model the best of what Head Start can do for at-risk children and families, including getting those children ready for school and ready for academic success;

No. 2, to coordinate all early childhood services in their community;

No. 3, to offer training and support to all professionals working with at-risk children;

No. 4, to track these families and ensure seamless continuity of services from prenatal to age 8;

No. 5, to become models of excellence by all performance measures and be willing to be held accountable for good outcomes for our most disadvantaged children; and

No. 6. to have the flexibility to serve additional Head Start or Early Head Start children or provide more full-day services to better meet the needs of working parents.

While Head Start centers are uneven in performance, they have generally excelled in two areas critical to success in caring for and educating children—developing community support and encouraging parental involvement. Alex Haley, the author of Roots, lived by these six words, ''Find the good and praise it.'' For me that was an invaluable lesson. That's what I hope these centers will do.

In addition to providing for the establishment of Centers of Excellence to highlight and encourage better practices among local Head Start programs, the bill establishes three new methods for ensuring accountability in the management and running of the programs.

First, it provides that grantees shall re-compete for grants every 5 years. This ensures that, after 5 years, their program is still meeting its standards. I recognize that consistency is very important for the Head Start programs, especially for the children served by these grants. Many Head Start grantees are doing a very good job administering their grants, and I hope this reapplication process will highlight their success. To help streamline the process for successful programs, grantees that have not been found deficient nor to have had an area of noncompliance left unresolved for more than 120 days will receive a priority designation during the re-competition process.

Second, the bill for the first time defines what makes a local program ''deficient.'' This will provide clarity for Head Start grantees so that they know the precise standards to which they will be held. Under the bill, a program may be deemed deficient if it is found to threaten the health, safety, or civil rights of children or staff, deny parents the exercise of their full roles and responsibilities, misuse funds, lose its legal status or financial viability, or violates other standards specified in the bill.

Finally, the bill makes clear that the Governing Board shall be the body that is charged with running local programs and which will be held accountable for those programs. During our hearing on April 5, we learned from Mayor Wharton of Shelby County, TN, and other witnesses, that the dual governance structure between the governing board and the policy council was inadequate and neither body had decision-making authority. This bill gives governing boards direct authority—and holds them accountable—while ensuring that policy councils, on which parents sit, continue to play an important advisory role in the running of local Head Start programs.

My mother taught me the importance of preschool education. When I was growing up, she ran a kindergarten in a converted garage in our backyard in Maryville, TN. She helped our community appreciate the value of a good preschool program. I have remembered both lessons in working with my colleagues to fashion this proposal to bring out the best in Head Start.

I hope that my colleagues will join me in advancing this critical legislation to ensure the Head Start program meets its full potential.

ADDITIONAL STATEMENTS

LINCOLN FINANCIAL GROUP: CELEBRATING A CENTURY OF EXCELLENCE—1905–2005

• Mr. LUGAR. Mr. President, I rise today in celebration of the centennial anniversary of Lincoln Financial Group.

In 1905, Lincoln Financial Group began with one product, one company, four employees and a small rented space above a telegraph office in downtown Fort Wayne, Indiana. Amid the stir of controversy that gripped the big, established insurers at the time, Lincoln's founders envisioned a new insurance enterprise—one based on dependability and honesty. Believing that the name of Abraham Lincoln would powerfully convey this spirit, the founders wrote the 16th President's only surviving son, Robert Todd Lincoln, to ask for permission to use a portrait of his father on the company stationery. Robert Todd Lincoln agreed, and that is how Lincoln's legacy began with a name that reflects its character.

Since its founding, Lincoln Financial has consistently leveraged its strong capital foundation to grow. From 1905–1955, Lincoln Life grew to become the ninth largest life insurance company in the United States. Even during the Great Depression, Lincoln acquired three companies. In 1968, Lincoln National Corporation was formed as an Indiana corporation. At the time, it

was one of the first holding companies in the insurance industry.

In the last decades of the 20th century, Lincoln transformed itself from a life insurance company into a nationally recognized financial services enterprise. The corporation adopted the name Lincoln Financial Group as its marketing name in 1998. In addition to Fort Wayne, Lincoln maintains primary offices in Philadelphia, PA; Hartford, CT; Chicago, IL; Portland, ME; and Barnwood, Gloucester, England.

Today, Lincoln is a family of companies working together to provide an array of financial planning, retirement income, life insurance, annuity, mutual fund, and investment management solutions to its clients. As of year-end 2004, Lincoln had consolidated assets of $116 billion and annual consolidated revenues of $5.4 billion in 2004.

Lincoln's growth has been spurred by a corporate culture that rewards creativity and believes that success is derived from a diverse and talented workforce. The people of Lincoln have always valued the trust customers place in the company each time they seek financial advice, purchase a Lincoln product or recommend the company to a friend. The company has seven shared values that reflect the principles expressed by its namesake and characterize the quality of its products: integrity; commitment to excellence; responsibility; respect; fairness; diversity; and employee ownership.

Lincoln's sense of responsibility shapes not only its business practices, but also its commitment to the communities where it operates. Since its founding, Lincoln has recognized that investing in these communities is fundamental to its success. The company's spirit of philanthropy led to the establishment of the Lincoln Financial Group Foundation in 1962, which further inspired a rich tradition of giving. Today, Lincoln sets aside 2 percent of its pre-tax earnings for philanthropy. Over the past 30 years, the Lincoln Financial Group Foundation has given over $70 million in charitable giving in Indiana.

In addition to the company's monetary donations, its employees bring the company's spirit of philanthropy to life every day. Collectively, they donate thousands of hours each year in personal volunteerism and participation in various company-sponsored community activities. To encourage and recognize their efforts, Lincoln provides employees with paid time off to participate in various volunteer projects. The company's Matching Gifts program to colleges and universities also maximizes employee donations. From food drives to donating blood, homebuilding projects to tutoring, Lincoln employees actively make a difference in the communities they call home.

As it celebrates its centennial, Lincoln's name gives a distinctive character to its legacy.

As the next 100 years begin, there is much to celebrate for the company as it looks to build a future of opportunity, focused on its shared values.●

HONORING THE CITY OF REDFIELD, SD

● Mr. JOHNSON. Mr. President, I rise today to honor and publicly recognize the 125th anniversary of the founding of the city of Redfield, SD. As the 125th anniversary approaches, Redfield looks back on a proud history and looks forward to a promising future.

Located in east central South Dakota, Redfield is the county seat for Spink County, the largest wheat-producing county in our State. First settled in 1878 by Frank Meyers and a party of Chicago and Northwestern surveyors, Redfield was originally known as ''Stennett Junction;'' named after an official with the Chicago and Northwestern Railroad. The term ''Junction'' was added in anticipation of the railroad's popularity. Meyers established the first post office in 1880, thus marking the town's official birth. In February of 1881, however, the town's name was changed to Redfield, after Joseph Barlow Redfield, an auditor with the Chicago and Northwestern Railroad Company who purchased a great deal of the area's land for investors in Chicago.

Although Redfield now serves as the county seat for Spink County, prior to 1886, that was not the case. In fact, Redfield supporters fought a contentious and controversial county seat battle between Old Ashton, Ashton, Frankfort and Redfield. Despite these efforts, old Ashton retained its position as county seat. All that changed, however, in 1886, when Redfield honestly won the majority of the votes in Spink County and was awarded the seat it still proudly claims.

Among the city's many landmarks is the historic Carnegie Library. In 1902, Redfield welcomed a grant from the Andrew Carnegie Foundation that made the library possible. This contribution transformed a simple reading club into a majestic red brick building adorned with a tan sandstone foundation, a domed cupola and beautiful oak columns and woodwork. In the library's early years, it housed the Redfield city offices, in addition to the collections; the City Auditor doubled as librarian. Recently, I had the pleasure of helping the community of Redfield secure $100,000 to renovate and expand this historic structure, which is the oldest continuous-use Carnegie Library in South Dakota.

The South Dakota Developmental Center, SDDC, is another notable Redfield landmark. Opened in 1902, the SDDC originally housed the staff and the patients in a single building, which is still used for office space today. There are currently 175 disabled individuals receiving services from SDDC today, ranging in age from 13 months to 78 years of age. Their disabilities range from moderate to profound.

Redfield also is home to one of the last surviving drive-in movie theaters. Erected in 1952, Pheasant City Drive-in Theater still entertains more than 2,800 Redfield residents.

In the twelve and a half decades since its founding, Redfield has proven its ability to thrive and serve farmers and ranchers throughout the region. Redfield's proud residents celebrate its 125th anniversary July 1–3, 2005, and it is with great honor that I share with my colleagues the achievements made by this great community.●

FRIENDS AND FOOD FOR FIFTY YEARS IN ST. ANTHONY, ID

● Mr. CRAPO. Mr. President, there is a small town in Idaho that celebrates a very special anniversary this year. Fifty years ago in 1955, the St. Anthony, ID Chamber of Commerce paid for travelers to have coffee and donuts at any of the local cafes to celebrate the opening day of fishing season. The effort, which encouraged fishermen and women to stop in St. Anthony for supplies, was so successful that this tiny town decided to prepare and serve a full breakfast of pancakes, sausage, hash browns and beverages for hungry travelers every year. By 1966, 10,000 people were served over the course of one day, more than three times the current population of the town. Today, about 5,000 people a year get to enjoy the great food and super hospitality of this small town in southeast Idaho that serves as a gateway to the Snake River and some of the best fishing in the West.

I congratulate the St. Anthony Chamber of Commerce and all of the volunteers who this year and in years past have come together to give people a smile, laughter and a delicious hot breakfast.●

CHILDREN'S HOSPICE INTERNATIONAL

● Mr. BENNETT. Mr. President, on May 23 of this year, Children's Hospice International celebrates its 22nd anniversary of helping children with life-threatening illnesses find comfort and care through hospice care programs around the country and the world.

Several members of this distinguished body, including former Senate Majority Leader Robert K. Dole of Kansas and former Senator Claiborne Pell of Rhode Island, were among the organization's early supporters because they recognized the need to provide comprehensive hospice care for children who are suffering from difficult medical conditions.

In 1977, when CHI was founded by Ann Armstrong-Dailey, there were no hospice care programs for children in the United States. In 1983, only four of 1,400 hospice programs in the United States were willing to accept children. Now, close to 450 of 3,000 U.S. hospices include child-specific services. And while that is good news, there is much more to be done.

Of the 10 million children in America who are living with a serious chronic

condition, each year about 54,000 will die; another 1.3 million will live but could greatly benefit from hospice and palliative care.

Historically, hospice reimbursement guidelines, in Medicaid and most private plans, have required that patients forego all life-saving care before they can be admitted to hospice. They have also required the patient to be within the last 6 months of life. However, this does not work with pediatric patients for whom aggressive treatment is sought and life-expectancy cannot be estimated.

Families should not be expected to give up on hope for a cure in order to receive that help. Because of the unpredictable course of many serious childhood illnesses, it is often very difficult for doctors to know when a child is within 6 months of death. Parents should not have to choose between hospice care and the hope for a cure. Parents should not have to keep their child in a hospital or other facility simply because insurance will not pay for the child to receive the same care, at a lower cost, at home.

The most critical time for children and family members is at the point of diagnosis—when they need the intensive support and guidance that hospice and palliative care programs can provide.

Since 1997, CHI has worked with the Centers for Medicare and Medicaid Services, CMS, to set up the Program for All-Inclusive Care for Children and their Families, CHI PACC. CHI PACC programs provide a continuum of care for children and their families from time of diagnosis, with hope for a cure, through bereavement, if needed.

With Congressional support, a total of 18 States are already benefiting from this initiative through CHI PACC programs in six States and two regions. States currently implementing CHI PACC are Colorado, Florida, Kentucky, New York, Virginia, and my home State of Utah, which will be among the first to implement this model.

Utah has been one of the leaders in this effort. Utah's Department of Health has spearheaded the effort in Utah, and the Primary Children's Medical Center in Salt Lake City, UT has been a central point of developing these pediatric palliative services to assist families from the point of diagnosis.

The New England Region is also preparing to implement CHI PACC to serve six States—Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont. The Colorado program extends to patients in six additional States—Kansas, Montana, Nebraska, New Mexico, South Dakota and Wyoming. In Pennsylvania, the Department of Defense is working to adopt the CHI PACC model for its health care system. The goal of all of these efforts is to prove the effectiveness of the CHI PACC model so that it can be adopted universally through Medicaid, S-SCHIP and private insurers.

As we approach Memorial Day, it should be noted that Children's Hospice International is a living memorial to Ensign Alan H. Armstrong and his shipmates lost aboard the U.S.S. Frank E. Evans during the conflict in Vietnam. Armstrong is the brother of CHI Founder Ann Armstrong-Dailey. I deeply appreciate Ensign Armstrong's service to our country.

I commend Children's Hospice International on its 22nd anniversary as it seeks to remove the roadblocks in private and public insurance programs that prevent these children and their families from receiving the care and support they need.

I too believe in the vision that Ann Armstrong-Dailey, along with original honorary board members Barbara Bush, and Senators Claiborne Pell and Robert Dole, put forth 22 years ago when they launched this very important effort to provide dignified care and support to children with life-threatening conditions and their families.●

NATIONAL HISTORY DAY 2005

● Mr. CONRAD. Mr. President, today I wish to say a few words about National History Day. For the past 25 years, National History Day has provided students in grades 6–12 with opportunities to study different periods or trends in American history. National History Day is a year-long educational opportunity for students to examine a period of American history closely through extensive research, development of exhibits and presentations, and multimedia documentaries. This year's national competition topic is ''Communication in History,'' and the competition will be held on the campus of the University of Maryland in June.

I am especially proud of the students from my State of North Dakota who have been selected to participate in this program this year. These students participated in the North Dakota State competition and were selected to represent the State in the national competition. They include Edward Gallegos, Kelbi Clarke, Lyndsie Cossel, Sejal Parikh, Sarak Shirek, Amirah Ahmed, Amber Guseman, Annah Klamm, Meghan Graham, Katie Sanner and Amanda Malm from Grand Forks. They also include Erin Droske, Aaron Christianson, Jessica King, Micah Gilleshammer and Sarah Lunde of St. Thomas. These students represent the Schroeder Middle School and Red River High School in Grand Forks and the St. Thomas Public School in St. Thomas, ND. I congratulate them and wish them much success in the national competition.●

MESSAGE FROM THE HOUSE

At 12:10 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced the the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 29. An act to protect users of the Internet from unknowing transmission of their personally identifiable information through spyware programs, and for other purposes.

H.R. 32. An act to amend title 18, United States Code, to provide criminal penalties for trafficking in counterfeit marks.

H.R. 606. An act to authorize appropriations to the Secretary of the Interior for the restoration of the Angel Island Immigration Station in the State of California.

H.R. 744. An act to amend title 18, United States Code, to discourage spyware, and for other purposes.

H.R. 849. An act to provide for the conveyance of certain public land in Clark County, Nevada, for use as a heliport.

H.R. 1101. An act to revoke a Public Land Order with respect to certain lands erroneously included in the Cibola National Wildlife Refuge, California.

H.R. 1499. An act to amend the Internal Revenue Code of 1986 to allow members of the Armed Forces serving in a combat zone to make contributions to their individual retirement plans even if the compensation on which such contribution is based is excluded from gross income, and for other purposes.

H.R. 2046. An act to amend the Servicemembers Civil Relief Act to limit premium increases on reinstated health insurance on servicemembers who are released from active military service, and for other purposes.

H.R. 2066. An act to amend title 40, United States Code, to establish a Federal Acquisition Service, to replace the General Supply Fund and the Information Technology Fund with an Acquisition Services Fund, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 89. Concurrent resolution honoring the life of Sister Dorothy Stang.

H. Con. Res. 149. Concurrent recognizing the 57th anniversary of the independence of the State of Israel.

H. Con. Res. 153. Concurrent resolution welcoming His Excellency Hamid Karzai, the President of Afghanistan, on the occasion of his visit to the United States in May 2005 and expressing support for a strong and enduring strategic partnership between the United States and Afghanistan.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 29. An act to protect users of the Internet from unknowing transmission of their personally identifiable information through spyware programs, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 32. An act to amend title 18, United States Code, to provide criminal penalties for trafficking in counterfeit marks; to the Committee on the Judiciary.

H.R. 606. An act to authorize appropriations to the Secretary of the Interior for the restoration of the Angel Island Immigration Station in the State of California; to the Committee on Energy and Natural Resources.

H.R. 744. An act to amend title 18, United States Code, to discourage spyware, and for other purposes; to the Committee on the Judiciary.

H.R. 849. An act to provide for the conveyance of certain public land in Clark County, Nevada, for use as a heliport; to the Committee on Energy and Natural Resources.

H.R. 1101. An act to revoke a Public Land Order with respect to certain lands erroneously included in the Cibola National Wildlife Refuge, California; to the Committee on Energy and Natural Resources.

H.R. 1499. An act to amend the Internal Revenue Code of 1986 to allow a deduction to members of the Armed Forces serving in a combat zone for contributions to their individual retirement plans even if the compensation on which such contribution is based is excluded from gross income, and for other purposes; to the Committee on Finance.

H.R. 2046. An act to amend the Servicemembers Civil Relief Act to limit premium increases on reinstated health insurance on servicemembers who are released from active military service, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 2066. An act to amend title 40, United States Code, to establish a Federal Acquisition Service, to replace the General Supply Fund and the Information Technology Fund with an Acquisition Services Fund, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 89. Concurrent resolution honoring the life of Sister Dorothy Stang; to the Committee on the Judiciary.

H. Con. Res. 149. Concurrent resolution recognizing the 57th anniversary of the independence of the State of Israel; to the Committee on Foreign Relations.

H. Con. Res. 153. Concurrent resolution welcoming His Excellency Hamid Karzai, the President of Afghanistan, on the occasion of his visit to the United States in May 2005 and expressing support for a strong and enduring strategic partnership between the United States and Afghanistan; to the Committee on Foreign Relations.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 1098. A bill to prevent abuse of the special allowance subsidies under the Federal Family Education Loan Program.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated.

POM–57. A resolution adopted by the General Assembly of the State of Ohio relative to the exclusion of the 179th Airlift Wing, Ohio Air National guard, at the Mansfield Lahm airport from the list of base closures for the Base Realignment and Closure process; to the Committee on Armed Services.

CONCURRENT RESOLUTION 9

Whereas the 179th Airlift Wing, Ohio Air National Guard, at the Mansfield Lahm Airport in Mansfield, Ohio, has a mission ''to develop highly qualified operations, logistics, support and medical professionals who provide airlift to serve the state and nation'' and a vision to ''be an outstanding airlift unit with a reputation for professionalism and world-class service—our customers' first choice''; and

Whereas the 179th Airlift Wing has won several awards, including the Air Force Outstanding Unit Award, the Alan P. Tappan Memorial Trophy, and the Rusty Metcalf Award, the latter of which acknowledges the unit as one of the best in the Air Force, and all of these awards demonstrate the high capability of the unit and the unit's ability to perform at the Mansfield Lahm Airport; and

Whereas Congress authorized a new round of the Base Realignment and Closure process to occur this year, which has the potential to affect the 179th Airlift Wing, Ohio National Guard, and the community of Mansfield that supports the unit; and

Whereas the 179th Airlift Wing is active in the community through various events and organizations, employs approximately 1,000 individuals, and provides economic support and benefits to the city of Mansfield and the surrounding communities; now therefore be it

Resolved, That the 126th General Assembly of the State of Ohio supports the 179th Airlift Wing, Ohio Air National Guard, at the Mansfield Lahm Airport and firmly believes that the unit and base should not be included in the Defense Base Closure and Realignment Commission's list of proposed bases to be closed, as it is a valuable asset to the state of Ohio and the defense of our nation, and memorializes Congress to take appropriate action so that this base is not included in the Commission's list; and be it further

Resolved, That the Clerk of the Senate transmit duly authenticated copies of this resolution to the President of the United States, the Secretary of Defense of the United States, the members of the Ohio Congressional delegation, the Speaker and Clerk of the United States House of Representatives, the President Pro Tempore and the Secretary of the United States Senate, and the news media of Ohio.

POM–58. A resolution adopted by the General Assembly of the State of Ohio relative to the exclusion of the 178th Fighter Wing, Ohio Air National Guard, at the Springfield-Beckley Municipal Airport in Springfield, Ohio from the list of base closures for the Base Realignment and Closure process; to the Committee on Armed Services.

CONCURRENT RESOLUTION 10

Whereas the 178th Fighter Wing, Ohio Air National Guard at the Springfield-Beckley Municipal Airport in Springfield, Ohio, trains the fighter pilots of the future, and its goals are to have highly trained professionals providing world-class training air combat capability and resources in times of national emergency or war and to provide protection of life and property and to preserve peace, order, and public safety during natural disasters; and

Whereas in addition to working to protect our nation by sending unit members to participate in engagements around the world, the 178th Fighter Wing works in the community, participating in such activities as the Adopt-A-Family program, the Combined Federal Campaign, Help-A-Needy Family program, and Red Cross blood drives, as well as other activities; and

Whereas Congress authorized a new round of the Base Realignment and Closure process (BRAC) to occur this year, which has the potential to affect the 178th Fighter Wing, the base, and the community of Springfield that supports the base; and

Whereas the unit is a key component of the community, employing approximately 409 people in the unit, and the airport provides for air travel and cargo needs for citizens and business in the region; now therefore be it

Resolved, That the 126th General Assembly of the State of Ohio supports the 178th Fighter Wing, Ohio Air National Guard at the Springfield-Beckley Municipal Airport and firmly believes that the unit and the base should not be included in the Defense Base Closure and Realignment Commission's list of proposed bases to be closed, as it is a valuable asset to the state of Ohio and the defense of our nation, and memorializes Congress to take appropriate action so that this base is not included in the Commission's closure list; and be it further

Resolved, That the Clerk of the Senate transmit duly authenticated copies of this resolution to the President of the United States, the Secretary of Defense of the United States, the members of the Ohio Congressional delegation, the Speaker and Clerk of the United States House of Representatives, the President Pro Tempore and the Secretary of the United States Senate, and the news media of Ohio.

POM–59. A resolution adopted by the House of Representatives of the Commonwealth of Pennsylvania relative to a postage stamp commemorating coal miners; to the Committee on Banking, Housing, and Urban Affairs.

HOUSE RESOLUTION 108

Whereas our entire nation owes our coal miners a great deal more than we could ever repay them for the difficult and dangerous job which they perform so that we can have the fuel we need to operate our industries and to heat our homes; and

Whereas coal mining is as much of a culture as it is an industry; and

Whereas coal miners sacrifice life and limb for little recognition, and it would be proper and fitting for our nation to recognize our coal miners, past and present, for their contributions; therefore be it

Resolved, That the General Assembly of the Commonwealth of Pennsylvania memorialize the Citizens' Stamp Advisory Committee of the United States Postal Service to issue a commemorative stamp honoring our coal miners and their contributions to our nation and its citizens; and be it further

Resolved, That copies of this resolution be delivered to the Citizens' Stamp Advisory Committee, c/o Stamp Development, United States Postal Service, 1735 North Lynn Street, Room 5013, Arlington, VA 22209–6432, to the presiding officers of each house of congress and to each member of Congress from Pennsylvania.

POM–60. A resolution adopted by the House of Representatives of the General Assembly of the Commonwealth of Kentucky relative to legislation urging the Federal Communications Commission not to preempt state do not call legislation; to the Committee on Commerce, Science, and Transportation.

HOUSE RESOLUTION 191

Whereas the Commonwealth of Kentucky has enacted legislation, KRS 367.46951 et seq., to protect the privacy of Kentucky consumers from unwanted, unsolicited telemarketing phone calls and created a ''zero call list'' on which Kentucky consumers may place their residential phone numbers and which numbers may not be called by telemarketers for the purpose of making a telephone solicitation as defined by Kentucky law, and which list is administered by the Office of Attorney General; and

Whereas the United States Federal Trade Commission and Federal Communications Commission have established a federal registry, the National Do Not Call Registry, on which Kentucky consumers may have their residential phone numbers placed for purposes of preventing telemarketers from making unsolicited telephone solicitations, which list is administered by the Federal Trade Commission and enforced by the Federal Trade Commission as well as the Federal Communications Commission and the Attorneys General of the 50 states; and

Whereas the Attorney General has implemented the Kentucky zero call list effectively and enforced the Kentucky and federal law in such a manner as to dramatically reduce the number of complaints from Kentucky consumers regarding unsolicited telemarketing calls; and

Whereas the Kentucky House of Representatives is aware that petitions are pending before the Federal Communications Commission which seek to declare state laws in Wisconsin, New Jersey, North Dakota and Indiana preempted by federal telemarketing legislation, the Telephone Consumer Protection Act, 47 U.S.C. sec. 227; and

Whereas the Kentucky House of Representatives wishes to express its satisfaction with the enforcement efforts of the Office of the Attorney General to date and its desire that these efforts continue in the future; and

Whereas neither the Telephone Consumer Protection Act nor any other federal law expressly or by reasonable implication preempts KRS 367.46951 et seq., nor any other state telemarketing legislation establishing a state do not call registry; now therefore, be it

Resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. The House of Representatives urges the Federal Communications Commission to clearly state that the National Do Not Call Registry does not preempt Kentucky's zero call list.

Section 2. The House of Representatives also urges the legislature of each state that has not yet done so to make a similar request to the Federal Communications Commission.

Section 3. The Clerk of the House of Representatives shall transmit copies of this Resolution to the President and Vice President of the United States, the presiding officer in each house of the legislature in each of the states in the Union, the Speaker of the United States House of Representatives, the President of the United States Senate, and to each member of the Commonwealth of Kentucky's Congressional Delegation.

POM–61. A resolution adopted by the Senate of the General Assembly of the State of Ohio relative to the Energy Policy Act of 1992; to the Committee on Commerce, Science, and Transportation.

SENATE RESOLUTION 35S

Whereas the United States; increasing dependence on imported oil and the relative instability of foreign oil-producing countries prompted Congress to enact the Energy Policy Act of 1992. The policy goals of the Act are to reduce our nation's reliance on foreign petroleum and to improve air quality; and

Whereas to achieve these goals, certain portions of the Act establish provisions that are designed to encourage the use of alternative fuels. One such provision, 42 U.S.C. 13257(o), specifies that pursuant to rules adopted by the Department of Energy, 75% of new light duty motor vehicles acquired annually for state government fleets must be alternative fueled vehicles; and

Whereas rules adopted by the Department of Energy, which are codified at 10 C.F.R. Part 490 and are commonly known as the Energy Policy Act State and Alternative Fuel Provider Rules, exclude electric-hybrid vehicles that run in part on gasoline from the definition of ''alternative fueled vehicle,'' thus prohibiting states from receiving credit toward the alternative fueled vehicle quota for the acquisition of an electric-hybrid vehicle; and

Whereas this inability of states to use electric-hybrid vehicles in order to receive credit toward the quota is unfortunate and, in fact, does not make sense because these vehicles exhibit excellent fuel efficiency that would serve to accomplish the policy goals of the Energy Policy Act of 1992 by reducing dependence on petroleum products; now therefore be it

Resolved, That we the members of the Senate of the 126th General Assembly of Ohio, request Congress to amend the Energy Policy Act of 1992 to specify that an electric-hybrid vehicle must receive credit as being an alternative fueled vehicle for purposes of the requirement that 75% of new light duty motor vehicles acquired annually for state government fleets be alternative fueled vehicles, and be it further

Resolved, That the Clerk of the Senate transmit daily authenticated copies of this resolution to the Speaker and Clerk of the United States House of Representatives, to the President Pro Tempore and Secretary of the United States Senate, to the members of the Ohio Congressional delegation, to the Speaker of the House of Representatives of the General Assembly of Ohio, and to the news media of Ohio.

POM–62. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to highway funding; to the Committee on Commerce, Science, and Transportation.

HOUSE CONCURRENT RESOLUTION 4

Whereas the sixth short-term extension of the federal road and transit funding authorization act known as the Transportation Equity Act for the 21st Century, or TEA 21, expires on May 31, 2005. The uncertainty regarding long-term federal funding hampers Michigan's ability to effectively plan investments in infrastructure and may contribute to delays in critical highway and transit projects; and

Whereas Michigan has long been a ''donor state,'' contributing a greater share to the Federal Highway Trust Fund and Mass Transit Account than the share of federal transportation funds returned for use in Michigan; and

Whereas last session, the United States Senate passed highway reauthorization legislation that would have provided $318 billion for highways and transit systems nationwide over six years and increased Michigan's rate of return on our federal transportation taxes from 90.5 percent to 95 percent. In addition, the bill would have provided up to $300 million more for Michigan transportation systems each year, and could have created several thousand new jobs. The House passed reauthorizing legislation that would have provided $284 billion for highways and transit systems and would have reduced Michigan's rate of return below the current level of 90.5 percent. The Conference Committee narrowed the funding difference to between $284 and $299 billion, but left unRESOLVED the question of funding equity for donor states such as Michigan; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize Congress to enact highway reauthorization legislation with a level of funding that closes the gap between federal fuel tax dollars paid by Michigan motorists and dollars received to address Michigan's transportation needs; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–63. A resolution adopted by the Legislature of the State of Michigan relative to highway funding; to the Committee on Commerce, Science, and Transportation.

SENATE CONCURRENT RESOLUTION 12

Whereas the sixth short-term extension of the federal road and transit funding authorization act known as the Transportation Equity Act for the 21st Century, or TEA 21, expires on May 31, 2005. The uncertainty regarding long-term federal funding hampers Michigan's ability to effectively plan investments in infrastructure and may contribute to delays in critical highway and transit projects; and

Whereas Michigan has long been a ''donor state,'' contributing a greater share to the Federal Highway Trust Fund and Mass Transit Account than the share of federal transportation funds returned for use in Michigan; and

Whereas last session, the United States Senate passed highway reauthorization legislation that would have provided $318 billion for highways and transit systems nationwide over six years and increased Michigan's rate of return on our federal transportation taxes from 90.5 percent to 95 percent. In addition, the bill would have provided up to $300 million more for Michigan transportation systems each year, and could have created several thousand new jobs. The House passed reauthorizing legislation that would have provided $284 billion for highways and transit systems and would have reduced Michigan's rate of return below the current level of 90.5 percent. The Conference Committee narrowed the funding difference to between $284 and $299 billion, but left unresolved the question of funding equity for donor states such as Michigan; now, therefore be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize Congress to enact highway reauthorization legislation with a level of funding that closes the gap between federal fuel tax dollars paid by Michigan motorists and dollars received to address Michigan's transportation needs; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–64. A concurrent resolution adopted by the Legislature of the State of North Dakota relative to the Grand Forks Automated Flight Service Station; to the Committee on Commerce, Science, and Transportation.

HOUSE CONCURRENT RESOLUTION 3058

Whereas the Grand Forks Automated Flight Service Station provides pilots with weather and aeronautical data to help them make critical and often lifesaving decisions; and

Whereas whether assisting University of North Dakota student pilots, coordinating air ambulance flights to our rural communities, relaying data to commercial operators flying passengers and supplies over the state, often in the worst of weather, or assisting the military in matters of national security, the Grand Forks Automated Flight Service Station provides an invaluable service that is intimately related to the public interest; and

Whereas the Grand Forks Automated Flight Service Station is responsible for the continuous monitoring of international border air space and daily support of the missions of the Minot Air Force Base, Grand Forks Air Force Base, Fargo Air National Guard, and Bismarck National Guard flight operations; and

Whereas maintaining the Grand Forks Automated Flight Service Station with proper staffing levels and equipment is a fundamental necessity in the continuation of these crucial services; and

Whereas the Federal Aviation Administration is primarily responsible for the safety and security of aviation; Now, therefore, be it

Resolved by the House of Representatives of North Dakota, the Senate Concurring therein:

That the Fifty-ninth Legislative Assembly urges the Federal Aviation Administration to maintain the Grand Forks Automated Flight Service Station as a federal air traffic facility properly staffed by government employees; and be it further

Resolved, That the Secretary of State forward copies of this resolution to the President and Vice President of the United States, the administrator of the Federal Aviation Administration, and to each member of the United States Senate and United States House of Representatives.

POM–65. A resolution adopted by the Senate of the General Assembly of the State of Tennessee relative to federal reauthorization of federal-aid highway and transit programs; to the Committee on Commerce, Science, and Transportation.

SENATE RESOLUTION 13

Whereas legislation to reauthorize the federal-aid highway and transit programs is more than 17 months overdue; and

Whereas the six short-term program extensions enacted by the U.S. Congress have forced states and localities to delay construction of critical highway and transit projects, impeded job creation, and postponed life-saving safety improvements and the completion of congestion-reducing measures; and

Whereas further delay will increase project costs and dilute the purchasing power of federal transportation dollars; and

Whereas investments in transportation are investments in people, and our transportation network is the means through which our children return from school safely, aging Americans and the disabled gain mobility, and commuters have affordable mass transit options to get to work; and

Whereas a well-functioning transportation system is critical to America's security, productivity and global competitiveness; and

Whereas inadequate funding proposals impede the ability of the U.S. Congress to reach agreement on a long-term bill; now, therefore, be it

Resolved by the Senate of the One Hundred Fourth General Assembly of the State of Tennessee, that the Senate hereby most fervently urges and encourages the U.S. Congress and the administration to immediately enact a well-funded, multi-year reauthorization of federal highway and transit programs, be it further

Resolved, That enrolled copies of this resolution be transmitted to the President, the Vice President, the Secretary of Transportation and to each member of Tennessee's congressional delegation.

POM–66. A resolution adopted by the Senate of the Legislature of the State of Louisiana relative to Weekly Natural Gas Storage Report procedures; to the Committee on Energy and Natural Resources.

SENATE RESOLUTION NO. 6

Whereas Louisiana serves as a major energy source and hub for the entire nation; and

Whereas information that impacts energy markets throughout the nation is of critical importance to Louisiana; and

Whereas the Department of Energy, Energy Information Administration (EIA), solicited public comments regarding its present policies and procedures concerning revision of information contained in the Weekly Natural gas Storage Report; and

Whereas the Weekly Natural Gas Storage Report identifies the amount of natural gas stored and the amount withdrawn in underground storage on a weekly basis; and

Whereas the contents of such report are critical factors in the pricing of natural gas, and have a direct and immediate impact upon markets and consumers; and

Whereas the EIA's current revision policy provides that any errors in the Weekly Natural Gas Storage Report will not be corrected for up to one week; and

Whereas such policy is seriously flawed, as demonstrated by the events of November 24, 2004; and

Whereas the November 24, 2004, Weekly Natural Gas Storage Report contained information that had been submitted with a clerical error; and

Whereas shortly after such information had been submitted, EIA personnel requested that the company review the accuracy of its submission; and

Whereas within thirty minutes from EIA's request the correct information was obtained and submitted to EIA; and

Whereas although EIA and private sector personnel acted promptly and appropriately to discover and correct the clerical error, the contents oft he Weekly Natural Gas Storage Report were not publicly revise, updated, or corrected, due to EIA's regulations preventing the disclosure and dissemination of such information until the next week's report; and

Whereas such failure and delay in disclosure and dissemination of the corrected information had disastrous economic consequence, in that Federal Energy Regulatory Commission analysts later estimated the cost to the marketplace in relying upon the erroneous and uncorrected information was between $200 million and $1 billion; and

Whereas such cost is an unconscionable burden upon consumers and businesses for an easily correctable and actually corrected error, especially when it is within the powers of agencies overseeing the report process to diminish these costs by prompt disclosure and dissemination of revised information; and

Whereas under 15 U.S.C.A. §764(b)(5), the secretary of energy has the duty to ''promote stability in energy prices to the consumer, promote free and open competition in all aspects of the energy field prevent unreasonable profits . . . and promote free enterprise''; and

Whereas in light of the events of November 24th, the Energy Information Administration has proposed new policies and procedures concerning the disclosure and dissemination of revised or corrected information; and

Whereas Congress should act to ensure that the proposed changes promote market fairness and equality by mandating the corrected information is disclosed and disseminated rapidly, and that all participants in the natural gas industry markets have the ability to obtain essential information at he same time, therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to require Weekly Natural Gas Storage Report policies and procedures that mandate the prompt disclosure and dissemination of corrected information, in order to promote market equality and fairness, be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives, and to each member of the Louisiana delegation to the United States Congress.

POM–67. A House Joint Memorial adopted by the Legislature of the State of Idaho relative to funding for the Idaho National Laboratory; to the Committee on Energy and Natural Resources.

HOUSE JOINT MEMORIAL 6

Whereas at the direction of the United States Government, through its Department of Energy, a new national laboratory ''Idaho National Laboratory'' was, on February 1, 2005, formed from the former Argonne National Laboratory-West and Idaho National Engineering and Environmental Laboratory; and

Whereas the United States Department of Energy's stated vision for the new Idaho National Laboratory is to: enhance the Nation's energy security by becoming the preeminent, internationally recognized nuclear energy research, development and demonstration laboratory within ten years; establish itself as a major center for national security technology development and demonstration; be a multiprogram, national laboratory with world-class nuclear capabilities; and foster new academic, industry, government and international collaborations to produce the investment, programs and expertise that assure this vision is realized; and

Whereas the Idaho National Laboratory is considered an essential partner alongside Idaho state government, Idaho's universities and industry in carrying out the state's Science and Technology Strategic Plan and building on Idaho's key industry strengths in energy and power, imaging, new materials and nanotechnology, and ag/biotechnology; and

Whereas the state of Idaho has for fifty-six years willingly and dutifully hosted Department of Energy, Energy Research and Development Administration and Atomic Energy Commission operations at the current Idaho National Laboratory site; and

Whereas both the federal government and the state of Idaho have significant financial interests in seeing operations at the Idaho National Laboratory succeed. Now, therefore, be it

Resolved by the members of the First Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we herewith respectfully petition the President and Congress to pledge continued support and provide sufficient long-term funding to assure execution of the federal government's stated, public record vision for the Idaho National Laboratory, allowing this great institution to advance, as it is uniquely able to, our collective interests in strengthened energy, national and economic security for these United States, be it further

Resolved, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, the Secretary of Energy of the United States, the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

POM–68. A House Joint Memorial adopted by the Legislature of the State of Idaho relative to Power Marketing Administrations (PMAs) rates; to the Committee on Energy and Natural Resources.

HOUSE JOINT MEMORIAL 9

Whereas Power Marketing Administrations (PMAs) market electricity generated primarily by federal hydropower projects in thirty-three states served by the 1,190 consumer-owned electric utilities giving preference to public bodies and cooperatives; and

Whereas Bonneville Power Administration provides a substantial amount of the electric power consumed in Idaho, including the sale of firm and surplus electric power to Idaho's investor-owned utilities and directs wholesale power to 26 rural electric cooperatives and municipalities in Idaho serving over 250,000 Idaho citizens; and

Whereas the Administration's budget proposes to sell electric power from PMAs at

market rates rather than the current practice of selling at cost-based rates; and

Whereas the Pacific Northwest region has experienced a nearly fifty percent increase in wholesale power rates since the energy crisis of 2001–2002; and

Whereas the current federal power program of cost-based rates ensures that all federal costs, with interest, from the generation, transmission and sale of federal power are recovered from purchasers through the rates charged; and

Whereas the proposal contains a projected rate increase of twenty percent each year until it totals a one hundred percent increase, which is an escalation of significant magnitude and will severely harm the region's businesses and industries, as well as all the residents of the region; and

Whereas the budget proposal constitutes a thinly disguised tax on the millions of Americans who purchase power through utilities supplied by PMAs; and

Whereas recognizing the true costs of this proposal and assessing the economic impacts it entails, we find that the proposal is not a prudent choice and should be rejected: Now, therefore, be it

Resolved by the members of the First Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, That we urge the Congress to reject the Administration proposal to move PMA rates to market rates thereby ensuring the continued responsible management of power generation, transmission and sale; and be it further

Resolved, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, the congressional delegation representing the State of Idaho in the Congress of the United States and to the Secretary of the United States Department of Energy, Samuel W. Bodman.

POM–69. A House Joint Memorial adopted by the Legislature of the State of Idaho relative to a feasibility study by the U.S. Corps of Engineers relating to the possibilities, benefits, and costs of providing flood control above Bear Lake; to the Committee on Environment and Public Works.

HOUSE JOINT MEMORIAL 1

Whereas the ongoing drought in the state of Idaho has had a profound impact throughout the state, including the area of southeastern Idaho known as the Bear River Basin. Although inadequate, during times of high water such as spring runoff, Bear Lake is the major reservoir for containing flood waters of the Bear River within the Bear River Basin. The effects of drought in the Bear River Basin would be significantly reduced in the event alternative storage sites were available; and

Whereas the Bear River Basin encompasses 7,400 square miles with 2,700 square miles in the state of Idaho. Originating in Utah's Uintah Mountains, the Bear River crosses state boundaries five times, has tributaries in Idaho, Utah and Wyoming, and ultimately discharges into the Great Salt Lake; and

Whereas the Bear River did not naturally divert into Bear Lake. The Utah Sugar Company and the Telluride Power Company first proposed diversion of the Bear River into Bear Lake for water storage in 1898. That project was taken over by Utah Power and Light Company for the purpose of producing hydropower. The project, which included a diversion dam on the Bear River, a canal, and a pumping station was completed in 1918; and

Whereas a multistate compact between the states of Idaho, Utah and Wyoming, known as the Bear River Compact, was entered into in 1958 and amended in 1980. The Compact governs the operation of the Bear River and, for management purposes, the Compact divides the river into three segments. The three segments are known as the Upper Division, located in Utah and Wyoming, the Central Division, located in Wyoming and Idaho, and the Lower Division, located in Idaho and Utah. The Bear River Commission, made up of three members from each of the Compact states, a chairman appointed by the President of the United States, and an engineer/manager, manages the day-to-day operation of the river; and

Whereas as a result of two lawsuits against Utah Power and Light Company during the 1970's, which claimed damage to crops due to flooding along the Bear River, the power company is under court order to keep the Bear River within its banks. Based on the court order, in the event the irrigation season ends with Bear Lake above 5,918 feet in elevation, water is released downstream to make room in Bear Lake for the spring runoff; and

Whereas since the 1970's, millions of acre feet of water have been released to provide capacity for flood control. Releases carry the river as well as the surface water removed from Bear Lake downstream to the Great Salt Lake where the principal beneficiary is the Great Salt Lake ecosystem. The most recent releases were in 1997, 1998 and 1999; and

Whereas lowering the elevation of Bear Lake in the Lower Division for flood control also impacts water users in the Upper and Central Divisions. Under the Compact, Woodruff Narrows Reservoir located in the Upper Division is not allowed to fill whenever the elevation of Bear Lake is below 5,911 feet above sea level, affecting both ground and surface water in that area. In addition, when Woodruff Narrows Reservoir is not full, no water is available for irrigation in a ten mile stretch of river in the Central Division leaving irrigators in that area without water for their crops; and

Whereas dredging has been necessary to provide water for irrigation due to low lake levels; and

Whereas studies to date have shown that use of Bear Lake for flood control has resulted in tons of suspended sediment solids to be deposited in the lake during the spring runoff. This is highly detrimental to the ecosystem. Increases in algae blooms on Bear Lake due to nitrates being carried in have been documented; and

Whereas in the event the water had not been released in the interest of flood control, it is likely that Bear Lake would now be full or nearly full. In that event, it is probable that there would be no need to pump water out of Bear Lake for irrigation because there would be enough capacity to allow the water to flow out by gravity, there would be no need to dredge in Bear Lake in that the elevation of the lake would be high enough to make dredging unnecessary, and an elevation above 5,911 feet would allow upstream storage at the Woodruff Narrows Reservoir; and

Whereas extremely low levels in Bear Lake could cause a water emergency to be declared by the state of Utah. The declaration would lead to closer scrutiny of the natural flow rights administered under the interstate accounting system. The lack of adequate storage water to supplement natural flow could result in the curtailment of rights in Idaho; and

Whereas if alternate storage sites were available, several hundred thousand acre feet of water would still be in Bear Lake to mitigate the effects of the drought. Pursuant to the Bear River Compact, Idaho is entitled to store approximately 125,000 acre feet of water annually and Utah about 390,000 acre feet annually. Provided adequate storage, this water, which is usually available during the spring runoff, could be stored to prevent any flooding of the Bear River. The water could then be used for irrigation, domestic and commercial development and recreation. A reservoir above Bear Lake would allow chemicals to be neutralized and suspended solids to settle out that are now entering Bear Lake. Alternative storage sites would provide for the conservation, preservation and best utilization of the water to which the state is entitled. This storage is desperately needed to allow residential, commercial and municipal development in the Bear River drainage without reducing irrigated agricultural lands; and

Whereas flood control above Bear Lake would make possible a policy that Bear Lake would be the first to fill and the last to empty. This would provide more water for irrigation, minimize fluctuations of lake levels, improve spawning habitat for Bear Lake cutthroat trout, provide boat-launching capability at Idaho state parks, and allow the filling of Woodruff Narrows Reservoir. Flood control above Bear Lake would greatly benefit the economy of all three states in the Bear River drainage; and

Whereas the United States Army Corps of Engineers is the federal agency responsible for flood control. The Corps has indicated a willingness to conduct a feasibility study of possible water storage sites upstream from Bear Lake which could be used for flood control of the Bear River. Costs of the study could range from $600,000 to $2,000,000 depending on the areas the study would include. The study will require an equal match of federal and nonfederal funds. However, with congressional approval, past local expenditures may be used as the local match; and

Whereas past local expenditures that have been made include $174,000 by the state of Wyoming for the Cokeville Reservoir project on Smith's Fork, $350,000 by the State of Wyoming for the Bear River Plan and over $2,000,000 of state funds from Idaho, Wyoming, and Utah through the Bear River Commission for stream gaging; and

Whereas concerned citizens of the Bear River drainage, including the Bear Lake County Commission, the Bear Lake Regional Commission, Bear Lake Watch, Inc., and Love Bear Lake, Inc., are asking for Congressional approval to recognize past expenditures as the local match to make the Corps of Engineers feasibility study possible: Now, therefore, be it

Resolved by the members of the first Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, That we respectfully urge the Congress of the United States and our Idaho delegation, as well as the Utah and Wyoming delegations in Congress, to support, work to pass and vote for legislation that will authorize and fund a feasibility study by the United States Corps of Engineers relating to the possibilities, benefits and cost of providing flood control above Bear Lake; and be it further

Resolved, That we urge Congress to allow and approve past local expenditures, equivalent to fifty percent of the total cost of the study, as the required local match and that local expenditures to be allowed and approved include $174,000 by the state of Wyoming for the Cokeville Reservoir project on Smith's Fork, $350,000 by the state of Wyoming for the Bear River Plan and $2,000,000 of state funds from Idaho, Wyoming, and Utah for stream gaging; and be it further

Resolved, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate

and the Speaker of the House of Representatives of Congress, and the congressional delegations representing the states of Idaho, Utah and Wyoming in the Congress of the United States.

POM–70. A House Joint Memorial adopted by the Legislature of the State of Idaho relative to the Central America Free Trade Agreement (CAFTA) and the Free Trade Area of the Americas (FTAA); to the Committee on Finance.

Whereas the state of Idaho is very diversified in its agricultural production; and

Whereas in January 2002, the federal government announced that it was initiating negotiations on a free trade agreement involving the countries of El Salvador, Guatemala, Honduras and Nicaragua. These negotiations concluded in December 2003. Negotiations with Costa Rica and the Dominican Republic were subsequently completed and are now included in the agreement. Congress must now decide whether to ratify the Central America Free Trade Agreement (CAFTA); and

Whereas the federal government is also negotiating the Free Trade Area of the Americas (FTAA) agreement; and

Whereas both CAFTA and the FTAA would allow these foreign countries to export commodities to the United States, harming Idaho agricultural industry in the process; and

Whereas the agricultural producers of the United States cannot be expected to compete with these foreign countries under the trade agreements due to the labor practices, lack of environmental regulations and subsidized agricultural production of these foreign countries; and

Whereas sugar is an import-sensitive commodity which will be negatively impacted by CAFTA. Idaho is our nation's second-largest producer of sugarbeets and a recent University of Idaho study concludes that the demise of the sugar industry in the state would also have a serious impact on market prices relating to other Idaho crops such as potatoes and onions which would be grown in place of sugarbeets; and

Whereas the CAFTA nations already enjoy preferential, duty-free access into the United States market for 311,700 metric tons of sugar. The United States is presently the world's fourth-largest net importer of sugar under existing trade agreements and its sugar market is already oversupplied, resulting in our region's sugarbeet processing company recently announcing the temporary closure of one of its factories due to the existing low sugar marketing allocations for United States producers; and

Whereas the United States International Trade Commission in August 2004, concluded that the Central American Free Trade Agreement would actually increase the U.S. trade deficit with the region by $100 million a year to $24 billion a year; and

Whereas concerns over free trade agreements face the agriculture industry at a time when the domestic consumption of United States agricultural products is declining, forcing domestic producers out of business; and

Whereas the state of Idaho stands to lose thousands of jobs and millions of dollars if these free trade agreements are implemented, potentially devastating the state's agricultural industry, moving production into other supply-sensitive crops, and severely harming the state's economy as a whole; and

Whereas the economic impact of any trade agreement must be recognized and considered to maintain viable economic health of agricultural industries, as well as all industries, with an emphasis on fair trade, rather than free trade; and

Whereas the provisions of CAFTA and FTAA should be renegotiated to limit exports from foreign countries to a needs-based access, allowing the United States agricultural policy to properly function and fairly treat agricultural producers in the United States: Now, therefore, be it

Resolved by the members of the First Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, That in negotiating any national trade agreements, the federal government is urged to recognize the economic impact of such trade agreements on the states and consider those impacts in order to maintain the viable economic health of agricultural industries, as well as all industries, with an emphasis on fair trade, rather than free trade, and be it further

Resolved, That the federal government is urged to renegotiate the provisions of CAFTA and the FTAA to limit exports from the involved foreign countries to fairly protect agricultural producers in the United States; and be it further

Resolved, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

POM–71. A resolution adopted by the Senate of the Legislature of the State of Louisiana relative to the Breast Cancer Patient Protection Act; to the Committee on Energy and Natural Resources.

SENATE RESOLUTION 10

Whereas individuals and organizations, including many congressmen, have been fighting for access to quality health care for a women since 1996; and

Whereas the Breast Cancer Patient Protection Act is bi-partisan legislation co-sponsored by Senator Mary Landrieu of Louisiana which would create a ban on ''drive through'' mastectomies, in which a woman is forced out of the hospital sometimes only hours after breast cancer surgery; and

Whereas this legislation would require insurance companies to cover a 48-hour hospital stay for a woman undergoing a mastectomy and a 24-hour hospital stay for a woman undergoing a lymph node dissection; and

Whereas this legislation ensures that a physician and the patient will make a decision together regarding staying at a hospital following a mastectomy; and

Whereas both the American College of Surgeons and the American Medical Association have taken the position that most patients require a longer hospital stay than those that ''drive-by'' mastectomies afford; and

Whereas among the groups supporting this legislation are the American Medical Association, the American College of Surgeons, the Association of Women's Health, the Society for Advancement of Women's Health, the Susan G. Komen Foundation, and Families USA: Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to enact the Breast Cancer Patient Protection Act; and be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM–72. A resolution adopted by the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania relative to ''Amyotrophic Lateral Sclerosis Awareness Month'', to the Committee on Health, Education, Labor, and Pensions.

HOUSE RESOLUTION 225

Whereas Amyotrophic Lateral Sclerosis (ALS) is better known as Lou Gehrig's disease; and

Whereas ALS is a fatal neurodegenerative disease characterized by degeneration of cell bodies of the lower motor neurons in the gray matter of the anterior horns of the spinal cord; and

Whereas the initial symptom of ALS is weakness of the skeletal muscles, especially those of the extremities; and

Whereas as ALS progresses, the patient experiences difficulty in swallowing, talking and breathing; and

Whereas ALS eventually causes muscles to atrophy, and the patient becomes a functional quadriplegic; and

Whereas ALS does not affect a patient's mental capacity, so a patient remains alert and aware of the loss of motor functions and the inevitable outcome of continued deterioration and death; and

Whereas ALS occurs in adulthood, most commonly between 40 and 70 years of age, with the peak at about 55 years of age, and affects men two to three times more often than women; and

Whereas more than 5,000 new ALS patients are diagnosed annually; and

Whereas on average, patients diagnosed with ALS survive two to five years from the time of diagnosis; and

Whereas ALS has no known cause, prevention or cure; and

Whereas ''Amyotrophic Lateral Sclerosis (ALS) Awareness Month'' will increase public awareness of ALS patients' circumstances, acknowledge the terrible impact this disease has on patients and families and recognize the research for treatment and cure of ALS: Therefore, be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania recognize the month of May 2005 as ''Amyotrophic Lateral Scerosis (ALS) Awareness Month'' in Pennsylvania; and be if further

Resolved, That the House of Representatives urge the President and Congress of the United States to enact legislation to provide additional funding for ALS research, and be it further,

Resolved, That copies of this resolution be transmitted to the President of the United States, to the Vice President of the United States, to the Speaker of the House of Representatives, to the members of Congress from Pennsylvania and to the United States Secretary of Health and Human Services.

POM–73. A concurrent resolution adopted by the House of Representatives and the Senate of the Legislature of the State of Hawaii relative to the No Child Left Behind Act of 2001; to the Committee on Health, Education, Labor, and Pensions.

HOUSE CONCURRENT RESOLUTION

Whereas in 2002, the No Child Left Behind Act of 2001 was enacted on a bipartisan basis and signed into law by President George W. Bush; and

Whereas all states that accept federal Title I education funds, including Hawaii, are subject to the requirements of the Act; and

Whereas the purpose of the Act is to compel all public schools to make adequate yearly progress toward the goal of 100 percent student proficiency in math and reading by 2013–2014; and

Whereas these expectations are unreasonable for students with limited English proficiency and students with disabilities, making it impossible for many of Hawaii's

schools, that have a high population of these students, to comply with the law; and

Whereas the Act does not allow states that may already have successful accountability systems in place to use their system to comply with the spirit of the Act; and

Whereas states should be allowed to use a value-added or student growth approach in their state accountability plan; and

Whereas the Act is an under-funded mandate that causes states and school districts to spend more money than the amounts appropriated by Congress to implement the Act; and

Whereas the Act coerces participation by placing punitive financial consequences on states that refuse to participate; and

Whereas in 2004, the National Conference of State Legislatures created a bipartisan task force to study the Act, resulting in suggestions for specific changes to make the Act more workable, more responsive to variations among the states, and more effective in improving elementary education; and

Whereas the recommendations of the task force's February 2005 Final Report include the following:

(1) Substantially increasing federal funding for the Act;

(2) Reexamining the financial consequences for states that choose not to participate;

(3) Reevaluating the 100 percent proficiency goal established by the Act;

(4) Conducting a Government Accountability Office study of the compliance and proficiency costs associated with the Act;

(5) Giving the Individuals with Disabilities Education Act primacy over the Act in cases where these laws may conflict; and

(6) Providing states with much greater flexibility to meet the objectives of the adequate yearly progress provisions of the Act; and

Whereas although the Act aims to provide flexibility for states to improve academic achievement and to close the achievement gap, the task force found that little flexibility has been granted to states to implement the Act: Now, therefore, be it

Resolved, by the House of Representatives of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2005, the Senate concurring, That the United States Congress is respectfully requested to amend the No Child Left Behind Act of 2001 according to the recommendations of the February 2005 Final Report of the National Conference of State Legislatures' Task Force on No Child Left Behind; and be it further

Resolved, That the current law and any revisions thereof recognize that under our federal system of government, education is primarily a state and local responsibility; and be it further

Resolved, That Congress is requested to allow states more flexibility to continue to work toward the goal of closing the achievement gap without the threat of losing federal funds; and be it further

Resolved, That Congress is requested to appropriate federal funding in amounts consistent with the levels authorized in the Act for education programs and expanded information systems needed to accurately reflect student, school, and school district performance and to pay the costs of ensuring student proficiency; and be it further

Resolved, That Congress is requested to authorize appropriate assessment methods and an alternative methodology for determining adequate yearly progress targets and progress for students who are not yet proficient in English and who have certain disabilities; and be it further

Resolved, That Congress is requested to amend the No Child Left Behind Act's current provisions relating to adequate yearly progress to apply sanctions only when the same groups or subgroups within a grade level fail to meet adequate yearly progress targets in the same subject area for two consecutive years; and be it further

Resolved, That Congress is requested to amend the Act to allow flexibility in:

(1) Determining adequate yearly progress using models that measure individual student growth or growth in the same cohort of students from year to year;

(2) Calculating adequate yearly progress for students belonging to multiple groups and subgroups; and

(3) Determining whether certain categories of teachers, such as special education teachers, are highly qualified; and be it further

Resolved, That Congress is requested to modify the No Child Left Behind Act's provisions relating to school choice by limiting the option only to those students whose performance is consistently below the proficiency level; and be it further

Resolved, That certified copies of this Concurrent Resolution be transmitted to the President of the United States, the President and Secretary of the United States Senate, the Speaker and Clerk of the United States House of Representatives, and members of Hawaii's congressional delegation.

POM–74. A concurrent resolution adopted by the Legislature of the State of North Dakota relative to a human life amendment to the Constitution of the United States; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION 3017

Whereas the Legislative Assembly finds that the state of North Dakota has compelling and paramount interest in the preservation and protection of the life of all human beings; and

Whereas the Legislative Assembly finds that the life of a human being should be protected at every stage of biological development; and

Whereas the Legislative Assembly finds that abortion procedures impose significant risks to the health and life of a pregnant mother, including subjecting her to significant risk of severe depression, suicidal ideation, suicide, attempted suicide, posttraumatic stress disorders, physical injury, and a greater risk of death than risks associated with carrying the unborn child to full term and childbirth; and

Whereas the inalienable right to life is found not only in the Declaration of Independence but also in the Constitution of the United States which the senators and representatives of Congress, the members of the several state legislatures, and all federal and state executive and judicial officers are sworn to preserve, protect, and defend; and

Whereas the 5th and 14th Amendments to the Constitution of the United States guarantee that no person may be deprived of life without due process of law; and

Whereas Congress has the power and responsibility to enforce the guarantees contained in the 5th, 13th, and 14th Amendments to the Constitution of the United States of America, which guarantee to all persons the right not to be deprived of life without due process of law, the right to the equal protection of the law, and the right to be free from involuntary servitude and the power to enforce such guarantees include the power to expand the definition of persons entitled to such guarantees; and

Whereas abortion is a deprivation of the right to life and the right to the equal protection of the law and is the ultimate manifestation of the involuntary servitude of one human being to another: Now, therefore, be it

Resolved, by the House of Representatives of North Dakota, the Senate concurring therein, That the Fifty-ninth Legislative Assembly strongly urges the Congress of the United States to pass and all state executive and judicial officers to support an amendment to the Constitution of the United States recognizing that the inalienable right to life is vested in each human being and guaranteeing that no human being may be deprived the equal protection of the law without due process; and be it further

Resolved, That the Secretary of State forward copies of this resolution to each member of the North Dakota Congressional Delegation, the Speaker of the United States House of Representatives, the President of the United States Senate, the Governor of North Dakota, and the Chief Justice of the North Dakota Supreme Court.

POM–75. A resolution adopted by the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania relative to the Republic of Poland and the United States Department of State's Visa Waiver Program; to the Committee on the Judiciary.

Whereas the Republic of Poland is a free, democratic and independent nation; and

Whereas in 1999 the United States and the Republic of Poland became formal allies when Poland was granted membership in the North Atlantic Treaty Organization; and

Whereas the Republic of Poland has proven to be an indispensable ally in the global campaign against terrorism; and

Whereas the Republic of Poland has actively participated in Operation Iraqi Freedom and the Iraqi reconstruction, shedding blood along with American soldiers; and

Whereas the President of the United States and other high-ranking officials have described the Republic of Poland as ''one of our closest friends''; and

Whereas on April 15, 1991, the Republic of Poland unilaterally repealed the visa obligation to United States citizens traveling to Poland; and

Whereas the United States Department of State's Visa Waiver Program currently allows approximately 23 million citizens from 27 countries to travel to the United States for tourism or business for up to 90 days without having to obtain visas for entry; and

Whereas the countries that currently participate in the Visa Waiver Program include Andorra, Australia, Austria, Belgium, Brunei, Denmark, Finland, France, Germany, Iceland, Ireland, Italy, Japan, Liechtenstein, Luxembourg, Monaco, the Netherlands, New Zealand, Norway, Portugal, San Marino, Singapore, Slovenia, Spain, Sweden, Switzerland and the United Kingdom; and

Whereas it is appropriate that the Republic of Poland be made eligible for the United States Department of State's Visa Waiver Program: Therefore, be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania respectfully urge the President and Congress of the United States to make the Republic of Poland eligible for the United States Department of State's Visa Waiver Program; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, to the presiding officers of each house of Congress, to the member of Congress from Pennsylvania and to Przemyslaw Grudzinski, Ambassador of the Republic of Poland to the United States.

POM–76. A joint resolution adopted by the Legislature of the State of Idaho relative to the Radiation Exposure Compensation Act (RECA); to the Committee on the Judiciary.

Whereas on October 15, 1990, Congress passed the Radiation Exposure Compensation Act (RECA), which provides for compassionate payments to persons or to their

beneficiaries who developed diseases as a result of exposure to radiation from U.S. atmospheric nuclear weapons testing; and

Whereas currently, a study is underway by the National Academy of Sciences and a report will be filed with Congress to address the adequacy of the initial geographic coverage provided in RECA; and

Whereas compelling anecdotal evidence has been accumulated at public meetings and in written reports, to indicate the impact of atmospheric testing on the downwinder populations in Idaho; and

Whereas preliminary evidence suggests that scientific documentation being gathered and assessed for inclusion in the report will find that risk factors present in Idaho equal or exceed the factors present in areas previously included in RECA coverage; and

Whereas members of Idaho's congressional delegation have worked and will continue to press for responsible legislative action to address the claims of Idahoans based upon radiation exposure; and

Whereas it is appropriate that members of the Idaho Legislature, speaking on behalf of the citizens of the state, express support for the efforts of Idaho's congressional delegation in their representation of downwinders in Idaho: Now, therefore, be it

Resolved by the members of the First Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, That we anticipate the findings of the National Academy of Sciences will verify the impact of testing on residents of Idaho, and we conclude that it is appropriate to compensate these downwinders in the same manner and to the same extent as those individuals previously compensated for similar exposures. We urge the members of Idaho's congressional delegation to continue in their endeavors on behalf of Idaho's citizens; and be it further

Resolved, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

POM–77. A resolution adopted by the Board of the Town of Brookhaven of the State of New York relative to the opposition of the elimination of the Community Development Block Grant Program (CDBG); to the Committee on Banking, Housing, and Urban Affairs.

POM–78. A resolution adopted by the Mayor and City Council of Atlanta, Georgia relative to proposed cuts in Community Development Block Grant Funds (CDBG); to the Committee on Banking, Housing, and Urban Affairs.

POM–79. A resolution adopted by the City of Pembroke Pines, Florida relative to the Community Development Block Grant Program (CDBG); to the Committee on Banking, Housing, and Urban Affairs.

POM–80. A resolution adopted by the California State Lands Commission relative to the lifting of the Federal Moratorium on Oil and Gas Leasing off the California Coast; to the Committee on Environment and Public Works.

POM–81. A resolution adopted by Hudson County (New Jersey) Board of Chosen Freeholders relative to the Passaic River Restoration Initiative; to the Committee on Environment and Public Works.

POM–82. A resolution adopted by the Mayor and Council of the Town of Harrison, Hudson County, New Jersey, relative to the Passaic River Restoration Initiative; to the Committee on Environment and Public Works.

POM–83. A resolution adopted by the Macomb County Board of Commissioners of the State of Michigan relative to the Social Security program; to the Committee on Finance.

POM–84. A resolution adopted by the Board of Directors of the New Jersey Association of Counties relative to Perkins Funding; to the Committee on Health, Education, Labor, and Pensions.

POM–85. A resolution adopted by the Board of Directors of the New Jersey Association of Counties relative to the Community Development Block Grant Program (CDBG); to the Committee on Health, Education, Labor, and Pensions.

POM–86. A resolution adopted by the Borough of Maywood, State of New Jersey relative to cloture rules adopted by the United States Senate; to the Committee on Rules and Administration.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. COLLINS, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 21. A bill to provide for homeland security grant coordination and simplification, and for other purposes (Rept. No. 109–71).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CONRAD (for himself, Mr. ROBERTS, Mr. HARKIN, and Mr. NELSON of Nebraska):

S. 1108. A bill to amend title XVIII of the Social Security Act to make improvements to payments to ambulance providers in rural areas, and for other purposes; to the Committee on Finance.

By Mr. LOTT (for himself, Mr. DAYTON, Mr. SESSIONS, Mr. SCHUMER, Mr. JEFFORDS, Mr. HARKIN, and Mr. LEAHY):

S. 1109. A bill to amend title XVIII of the Social Security Act to provide payments to Medicare ambulance suppliers of the full cost of furnishing such services, to provide payments to rural ambulance providers and suppliers to account for the cost of serving areas with low population density, and for other purposes; to the Committee on Finance.

By Mr. ALLEN (for himself, Mr. PRYOR, and Mr. SANTORUM):

S. 1110. A bill to amend the Federal Hazardous Substances Act to require engine coolant and antifreeze to contain a bittering agent in order to render the coolant or antifreeze unpalatable; to the Committee on Commerce, Science, and Transportation.

By Mr. HATCH (for himself, Mr. BENNETT, and Mr. ALLARD):

S. 1111. A bill to promote oil shale and tar sand development, and for other purposes; to the Committee on Finance.

By Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. SMITH, Mr. WYDEN, Mr. MCCONNELL, Mr. JEFFORDS, Mr. LOTT, Mr. SCHUMER, Mr. KERRY, Mr. BINGAMAN, Mr. ROCKEFELLER, Mrs. LINCOLN, Ms. LANDRIEU, Mr. CORZINE, Mr. TALENT, and Mr. HAGEL):

S. 1112. A bill to make permanent the enhanced educational savings provisions for qualified tuition programs enacted as part of the Economic Growth and Tax Relief Reconciliation Act of 2001; to the Committee on Finance.

By Mr. GRASSLEY (for himself, Mr. LOTT, Mr. SANTORUM, and Mr. ENSIGN):

S. 1113. A bill to provide that no Federal funds may be expended for the payment or reimbursement of a drug that is prescribed for the treatment of sexual or erectile dysfunction; to the Committee on Finance.

By Mr. MCCAIN (for himself and Mr. STEVENS):

S. 1114. A bill to establish minimum drug testing standards for major professional sports leagues; to the Committee on Commerce, Science, and Transportation.

By Ms. MURKOWSKI (for herself and Mr. JOHNSON):

S. 1115. A bill to amend the Internal Revenue Code of 1986 to allow Indian tribes to receive charitable contributions of inventory; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 300

At the request of Ms. COLLINS, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 300, a bill to extend the temporary increase in payments under the medicare program for home health services furnished in a rural area.

S. 333

At the request of Mr. SANTORUM, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Missouri (Mr. TALENT) were added as cosponsors 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. 438

At the request of Mr. ENSIGN, the names of the Senator from Rhode Island (Mr. CHAFEE) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. 438, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 440

At the request of Mr. BUNNING, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 440, a bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the medicaid program.

S. 451

At the request of Mr. AKAKA, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 451, a bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally.

S. 467

At the request of Mr. DODD, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 467, a bill to extend the applicability of the Terrorism Risk Insurance Act of 2002.

S. 470

At the request of Mr. DODD, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S.

470, a bill to amend the Public Health Service Act to expand the clinical trials drug data bank.

S. 526

At the request of Mr. REED, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 526, a bill to amend the Child Care and Development Block Grant Act of 1990 to provide incentive grants to improve the quality of child care.

S. 603

At the request of Ms. LANDRIEU, the name of the Senator from Florida (Mr. MARTINEZ) 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. 627

At the request of Mr. HATCH, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Nevada (Mr. ENSIGN), the Senator from California (Mrs. BOXER) and the Senator from West Virginia (Mr. ROCKEFELLER) 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 Missouri (Mr. TALENT) 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. 685

At the request of Mr. AKAKA, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 685, a bill to amend title IV of the Employee Retirement Income Security Act of 1974 to require the Pension Benefit Guaranty Corporation, in the case of airline pilots who are required by regulation to retire at age 60, to compute the actuarial value of monthly benefits in the form of a life annuity commencing at age 60.

S. 713

At the request of Mr. ROBERTS, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 713, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 811

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor 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. 836

At the request of Ms. CANTWELL, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 836, a bill to require accurate fuel economy testing procedures.

S. 843

At the request of Mr. SANTORUM, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 843, a bill to amend the Public Health Service Act to combat autism through research, screening, intervention and education.

S. 914

At the request of Mr. ALLARD, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 914, a bill to amend the Public Health Service Act to establish a competitive grant program to build capacity in veterinary medical education and expand the workforce of veterinarians engaged in public health practice and biomedical research.

S. 1022

At the request of Mrs. LINCOLN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1022, a bill to amend the Internal Revenue Code of 1986 to allow for an energy efficient appliance credit.

S. 1055

At the request of Mr. DODD, his name was added as a cosponsor of S. 1055, a bill to improve elementary and secondary education.

S. 1063

At the request of Mr. NELSON of Florida, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1063, a bill to promote and enhance public safety and to encourage the rapid deployment of IP-enabled voice services.

S. 1064

At the request of Mr. COCHRAN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1064, a bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 1067

At the request of Mrs. LINCOLN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1067, a bill to require the Secretary of Health and Human Services to undertake activities to ensure the provision of services under the PACE program to frail elders living in rural areas, and for other purposes.

S. 1075

At the request of Mr. THUNE, the names of the Senator from Montana (Mr. BURNS) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 1075, a bill to postpone the 2005 round of defense base closure and realignment.

S. 1076

At the request of Mrs. LINCOLN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1076, a bill to amend the Internal Revenue Code of 1986 to extend the excise tax and income tax credits for the production of biodiesel.

S. 1103

At the request of Mr. BAUCUS, the names of the Senator from New Jersey (Mr. CORZINE), the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Missouri (Mr. TALENT) were added as cosponsors of S. 1103, a bill to amend the Internal Revenue Code of 1986 to repeal the individual alternative minimum tax.

S. 1105

At the request of Mr. DODD, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1105, a bill to amend title VI of the Higher Education Act of 1965 regarding international and foreign language studies.

S. 1107

At the request of Mr. ENZI, the names of the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 1107, a bill to reauthorize the Head Start Act, and for other purposes.

S.J. RES. 14

At the request of Mr. BROWNBACK, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S.J. Res. 14, a joint resolution providing for the recognition of Jerusalem as the undivided capital of Israel before the United States recognizes a Palestinian state, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CONRAD (for himself, Mr. ROBERTS, Mr. HARKIN, and Mr. NELSON of Nebraska):

S. 1108. A bill to amend title XVIII of the Social Security Act to make improvements to payments to ambulance providers in rural areas, and for other purposes; to the Committee on Finance.

Mr. CONRAD. Mr. President, today I am introducing the Rural Access to Emergency Services (RAES) Act, which will improve access to emergency medical services (EMS) in rural communities. This bill will take the critical steps to help sustain rural emergency care in the future.

EMS is a vital component of the health care system, particularly in rural areas. Ambulance personnel are not only the first responders to an emergency, but also play a key role in the provision of life-saving medical care. It is said that time is one of the most important factors relating to patient outcomes in emergency situations. Rural EMS providers often have the enormous strain of responding to emergencies many miles away—sometimes nearly 50 minutes. However, current reimbursement levels are insufficient for the squads to bear the costs of responding to calls over these long distances. As rural EMS squads are forced

to close, rural residents—and others traveling through rural areas—are left without access to emergency services. Due to the inadequacy of Medicare reimbursement, rural ambulance providers are also finding it difficult to maintain the heightened ''readiness requirement,'' exposing communities to the threat of being ill-prepared to respond to a major public health emergency.

My legislation will take steps to improve the EMS system by eliminating the 35-mile rule for ambulance services that provide care in communities served by Critical Access Hospitals. In addition, it will establish an ambulance-specific definition of ''urban'' and ''rural'' for Medicare reimbursement. Moreover, my legislation will provide $15 million in funds to be used for a variety of activities aimed at improving the rural EMS system. Finally, it will expand the Universal Service Fund's definition of ''health care provider'' to include ''ambulance services.''

It is important to assure that rural Americans receive the best emergency medical services possible. This is especially important to me because 54 percent of North Dakotans live in rural communities, served largely by unpaid volunteer emergency personnel. In fact, only 10 percent receive compensation for their services. In recent years, rural ambulance services have found it difficult to recruit and retain EMS personnel. Congress must take steps to ensure that every American has access to quality emergency care. The RAES Act would do just that by improving reimbursement, increasing collaboration among healthcare entities, and allowing EMS providers to collect quality data.

The EMS bill will provide improved healthcare and better access to EMS for the 49 million Americans living in rural areas, and I urge my colleagues to support this essential legislation.

By Mr. HATCH (for himself, Mr. BENNETT, and Mr. ALLARD):

S. 1111. A bill to promote oil shale and tar sand development, and for other purposes; to the Committee on Finance.

Mr. HATCH. Mr. President, I rise today to introduce the Oil Shale and Tar Sands Development Act of 2005. In doing so, I would like to thank Senator ROBERT BENNETT and Senator WAYNE ALLARD for cosponsoring this legislation.

It could not be any more apparent to Americans when we pay to fill up our cars that this country is in need of a strong, comprehensive energy strategy. Our citizens recognize that there is a shortage of petroleum, and that that shortage is driving up prices.

American consumers have increased their demand for oil by 12 percent in the last decade, but oil production has grown by less than one half of one percent. Is it any wonder we rely on foreign countries for more than half our oil needs? We import 56 percent of our oil today, and it's projected to be 68 percent within 20 years.

On a larger scale, global demand for oil is growing at an unprecedented pace—about two and half million barrels per day in 2004 alone. However, while global oil production is increasing, the discovery of new oil reserves is falling dramatically. Moreover, trends indicate that the global thirst for petroleum will continue to grow, especially in Asia.

Last month, Federal Reserve Chairman Alan Greenspan stated, ''Markets for oil and natural gas have been subject to a degree of strain over the past year not experienced for a generation. Increased demand and lagging additions to productive capacity have combined to absorb a significant amount of the slack in energy markets that was essential in containing energy prices between 1985 and 2000.''

We are quickly heading into a global energy crunch, and our lack of sufficient oil supply at home will give us little or no buffer against it. Increasing our domestic oil reserve is imperative both from an economic and a national security perspective.

I am pleased to report to my colleagues today that a solution is available.

It is a little known fact that the largest hydrocarbon resource in the world rests within the borders of Utah, Colorado, and Wyoming. I know it may be hard to believe, but energy experts agree that there is more recoverable oil in these three States than there is in all the Middle East. In fact, the U.S. Department of Energy estimates that recoverable oil shale in the western United States exceeds one trillion barrels and is the richest and most geographically concentrated oil shale and tar sands resource in the world.

This gigantic resource of oil shale and tar sands is well known by geologists and energy experts, but it has not been counted among our Nation's oil reserve because it is not yet being developed commercially. Companies have been waiting for the Federal Government to recognize publicly the existence of this resource as a potential reserve and to allow industry access to it.

This bill would give them that chance.

Some might ask why we have not yet developed these resources if doing so could have such a profound economic potential?

I understand why we have been so hesitant to develop this resource in the past. During the 1970s, we saw a very large and expensive effort begin in western Colorado to develop oil shale there. When the price of oil dropped dramatically, though, the market for oil shale went bust and the region suffered an economic disaster.

We should never forget that experience.

Much has changed since the 1970s, and it would be senseless to continue to ignore the huge potential of this resource. I think there has been a mind set within the government and the local communities resulting from the Colorado boom and bust experience that developing this resource would be risky. The fact is, developing this energy resource is no more risky than producing oil offshore or in the Arctic. It is certainly less risky than continuing to rely on oil from the Middle East or from other foreign competitors.

We need to remember that our past failure in this area was not necessarily a failure of technology, but rather an inability to sustain this technology economically because of a very large slump in gas prices. Today's economics and advances in technology combine to provide the right scenario to begin the development of the world's largest untapped oil resource.

Skeptics might ask how we know that the price of oil won't plummet, causing the problems of the 1970s all over again? The world is now reaching peak oil production of conventional oil. With the tremendous growth in India and Asia, and the accompanying need for oil, experts predict there will be little economic incentive for prices to drop. This is a new scenario for the world, and it forces us to shift our focus to unconventional resources.

We have already seen this shift in focus by the government of Alberta, Canada. Alberta recognized the potential of its own tar sands deposits and set forth a policy to promote their development. As a result, Canada has increased its oil reserves by more than a factor of 10, going from a reserve of about 14 billion barrels to its current reserve of 176 billion barrels in only a few years. And just think we are sitting on one trillion barrels, more than five times what Canada has.

I think it's outrageous that Utah imports about one-fourth of its oil from Canadian tar sands, even though we have a very large resource of those very same tar sands in our own State sitting undeveloped. The government of Alberta, which owns the resource, has moved forward in leaps and bounds, while the United States has yet to take even a baby step toward developing our untapped resource.

Our proposed legislation looks to the Alberta model to help the United States move toward greater energy independence. The Oil Shale and Tar Sands Development Act represents a necessary shift by our government from an almost complete reliance on conventional sources of oil to our vast unconventional resources, such as tar sands and oil shale.

In drafting this legislation, we have been mindful of the environment and of States' water rights. We live in a different world than when these resources were first developed. Unlike 30 years ago, we now have the Clean Water Act, the Clean Air Act, the Resource Conservation and Recovery Act, the Comprehensive Environmental Response, Compensation, and Liability Act, the

National Environmental Policy Act, and the Mining Reclamation Act. Also, new technologies make the effort much cleaner and require less water than in the past. Industry understands that any water it needs will have to be acquired according to State law and according to existing water rights.

Let me talk, for a moment, about the specific provisions in our bill. S. 1111 would establish an Office of Strategic Fuels tasked with, among other things, the development of a five-year plan to determine the safest and steadiest route to developing oil shale and tar sands. The bill would also establish a mineral leasing program in the Department of the Interior to provide access to this resource.

Recognizing the tremendous national interest in this resource, our legislation provides a number of programs to encourage oil shale and tar sands development, including Federal royalty relief, Federal cost shares for demonstration projects, advanced procurement agreements by the military, and tax relief through the expensing of new equipment and technologies related to oil shale and tar sands development.

The size of our nation's energy challenge is enormous, but in Utah, Colorado, and Wyoming we have an answer that more than meets the challenge. This bill moves us down that path. I urge my colleagues to join us in our effort to help the United States open the door new frontier for domestic energy.

By Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. SMITH, Mr. WYDEN, Mr. MCCONNELL, Mr. JEFFORDS, Mr. LOTT, Mr. SCHUMER, Mr. KERRY, Mr. BINGAMAN, Mr. ROCKEFELLER, Mrs. LINCOLN, Ms. LANDRIEU, Mr. CORZINE, Mr. TALENT, and Mr. HAGEL):

S. 1112. A bill to make permanent the enhanced educational savings provisions for qualified tuition programs enacted as part of the Economic Growth and Tax Relief Reconciliation Act of 2001; to the Committee on Finance.

Mr. BAUCUS. Mr. President, I am pleased to join Senator GRASSLEY, and our other colleagues, in introducing legislation to make the Section 529 enhancements enacted in 2001 permanent.

In 2001, it was the Senate, especially my good friend Chairman GRASSLEY, that insisted on including education savings in the tax bill. I am proud of that fact. And I am proud that the Senate is again taking the lead to make these important provisions permanent.

Higher education is critical to our children's future and our Nation's economy. As a parent, or grandparent, you know that providing your children with a college education means they are likely to earn substantially more than if they only have a high school degree. One study estimated a million dollars more in today's dollars.

College is a good investment, but a very expensive one. The cost of tuition is rising every year. Over the past ten years, expenses at public universities have increased nearly 40 percent. The U.S. Department of Education says the average cost of a four-year education is currently $34,000 and almost $90,000 for private colleges.

In 1996, Congress created 529 plans to help families plan for this expense. Since their inception, 529 plans have helped families' college savings grow faster by not taxing investment income while it is accumulating in the account. In 2001, we saw a need to do more to help families deal with skyrocketing costs, so we allowed tax-free distributions from the account, as long as the money goes for its intended purpose—post-secondary education expenses. This income exclusion will expire after 2010 if we don't do something about it.

There are a lot of provisions that will expire in 2010—so why focus on this one provision today? Because saving for college doesn't happen in five or six years. We want families to save today for college expenses fifteen to twenty years from now. Without this legislation, we are asking families to make critical investment decisions without the promise of today's tax benefits. This is not a good way to encourage savings. Making this tax benefit permanent will allow families to plan and finance their children's education beyond 2010.

Thousands of young people back home have 529 plan accounts. By the end of 2004, Montana families had over $128 million set aside through the Montana Family Education Savings Program. Across the country there is about $68 billion invested in over 7 million accounts. The average account balance is just over $9,000. Not enough to finance a college education, but an important start.

One of the great things about 529 plans is that grandparents can save for the future of their grandchildren. That is what Arlene Hannawalt did—she saved through a 529 plan for her granddaughter Nicole's education. Nicole dropped out of high school, but she is getting her GED. Later this year, with help from her 529 account, Nicole will be going to the University of Montana—Helena College of Technology to study accounting.

Nicole's father is in the Army National Guard, serving in Iraq. Our prayers are with him. I'm sure Nicole's family is very pleased that she will soon be a college student.

Tax-favored treatment for college savings is good policy, but it is not free. I assure my colleagues that we will be looking for appropriate offsets to cover the cost of this bill.

Education is one of my top priorities. And saving for education should be one of a family's top priorities. I encourage my colleagues to join in making the tax status of 529 benefits permanent to help millions of American families plan for their children's future.

By Mr. GRASSLEY (for himself, Mr. LOTT, Mr. SANTORUM, and Mr. ENSIGN):

S. 1113. A bill to provide that no Federal funds may be expended for the payment or reimbursement of a drug that is prescribed for the treatment of sexual or erectile dysfunction; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, over the past three decades, prescription medicines have assumed a central and critical role in treating health care conditions. Every year, researchers make new discoveries that help patients cope with illnesses and improve their quality of life. Ensuring access to prescription drugs—to treatments that can help people maintain their health and avoid costly hospitalizations, for example—is a fundamental responsibility of our Federal health programs. We would not have worked as hard as we did to establish the first-ever Medicare prescription drug benefit if we did not believe this to be true. At the same time, we have a tremendous responsibility to be good stewards of taxpayers' dollars. I, for one, take that responsibility very seriously.

In 2004, our nation spent $1.8 trillion on health care. Medicare spending accounted for 17 percent of that amount. In 2005, Medicaid spending is expected to reach $321 billion. The Federal government offers me and other Federal employees health coverage through the Federal Employees Health Benefits Program (FEHBP). The Department of Defense has TRICARE for military personnel, and the Veterans' Administration provides an important source of health care access to those who proudly served our country. Year after year, the costs of these and other Federal health care programs continue to rise. Year after year, we are forced to make difficult decisions to find ways to save money under these programs with the goal of sustaining them well into the future.

In contrast to those decisions, the bill that I am introducing today was not difficult for me at all. By eliminating all Federal payments for certain ''lifestyle'' drugs, the legislation restores the fundamental concept of stewardship to prescription drug coverage under Federal programs. It is a pretty simple piece of legislation—no payment for drugs prescribed for sexual or erectile dysfunction under any Federal program, period. The Congressional Budget Office (CBO) estimated that Medicare and Medicaid alone will spend $2 billion on these drugs between 2006 and 2015. In my opinion, those dollars could be spent more wisely.

When we crafted the Medicare Modernization Act of 2003, our bipartisan agreement sought to strike the most reasonable balance for Medicare beneficiaries and hard working taxpayers. We wanted to make sure that beneficiaries had access to life-saving and life-improving medicines. Now some certainly may argue that these ''lifestyle'' drugs can improve your life. I

appreciate that view. However, we live in a world of limited resources, and in that world of limited resources coverage of these ''lifestyle'' drugs under Medicare—or any other Federal program, in my opinion—is inconsistent with that goal of balance. I am pleased to join with Senators LOTT, SANTORUM, and ENSIGN in working to rectify that situation today and urge my colleagues to join us in cosponsoring this important legislation.

By Mr. MCCAIN (for himself and Mr. STEVENS):

S. 1114. A bill to establish minimum drug testing standards for major professional sports leagues; to the Committee on Commerce, Science, and Transportation.

Mr. MCCAIN. Mr. President, I am joined today by Senator STEVENS in introducing the Clean Sports Act of 2005. The chairman of the House Government Reform Committee, Congressman DAVIS, and the ranking member of that committee, Congressman WAXMAN, are introducing a companion bill today in the House.

The purpose of this bill is to protect the integrity of professional sports and, more importantly, the health and safety of our Nation's youth, who, for better or for worse, see professional athletes as role models. The legislation would achieve that goal by establishing minimum standards for the testing of steroids and other performance-enhancing substances by major professional sports leagues. By adhering to—and hopefully exceeding—these minimum standards, the Nation's major professional sports leagues would send a strong signal to the public that performance-enhancing drugs have no legitimate role in American sports.

This bill would prohibit our country's major professional sports leagues—the National Football League, Major League Baseball, the National Basketball Association, and the National Hockey League—from operating if they do not meet the minimum testing requirements set forth therein. Those standards would be comprised of five key components: the independence of the entity or entities that perform the leagues' drug tests; testing for a comprehensive list of doping substances and methods; a strong system of unannounced testing; significant penalties that discourage the use of performance-enhancing drugs; and a fair and effective adjudication process for athletes accused of doping. These elements are crucial components of any credible performance-enhancing drug testing policy.

More specifically, the bill would require all major professional sports leagues to have an independent third party administer their performance-enhancing drug tests. The legislation would further require that samples provided by athletes be tested by laboratories approved by the United States Anti-Doping Agency—USADA—and for substances banned by USADA. In addition, the bill would require not fewer than three unannounced tests during a league's season of play, and at least two unannounced tests during the off season. Under this legislation, if a player were to test positive for a banned performance-enhancing substance, that player would be suspended for 2 years for the first violation and banned for life for a second violation. Finally, if any player were to test positive, the professional sports league would be obligated to ensure that the player would have substantial due process rights including the opportunity for a hearing and right to counsel.

To ensure that the major professional sports leagues meet the highest standards of performance-enhancing drug testing, the bill would require each professional sports league to consult with USADA in developing its drug testing standards and procedures, its protocols for tests in the off season, and its athlete adjudication program. For 5 years, USADA has served as the official antidoping agency for Olympic sports in the United States. In that role, USADA has shown a tremendous dedication to eliminating doping in sports through research, education, testing, and adjudication efforts. The expertise that it has developed over the past half-decade would serve this country's professional sports leagues well.

A violation of this legislation would be treated as a violation of the Federal Trade Commission Act. The Federal Trade Commission would have the ability to either obtain an injunction against the league that is in violation of the bill or seek penalties of up to $1 million per violation. Any enforcement mechanism that is not as strong as this would simply not be effective to ensure that these multi-billion-dollar businesses adhere to the minimum standards set forth in the legislation.

Finally, the bill would give the Office of National Drug Control Policy—ONDCP—the ability to add other professional sports leagues as well as certain college sports if the ONDCP were to determine that such additions would prevent the use of performance-enhancing substances by high school, college, or professional athletes. The bill would also require the United States Boxing Commission, upon its establishment, to promulgate steroids testing standards consistent with those contained in the bill.

The need for reforming the drug testing policies of professional sports is clear. However, I introduce this legislation reluctantly. Over a year ago, I stated publicly that the failure of professional sports—and in particular Major League Baseball—to commit to addressing the issue of doping straight on and immediately would motivate Congress to search for legislative remedies. Despite my clear warning and the significant attention that Congress has given to this stain on professional sports, baseball, and other professional leagues have refused to do the right thing.

By introducing this bill, I am once again asking the leagues to shore up the integrity of professional sports. I am asking the leagues to realize that what is at stake here is not the sanctity of collective bargaining agreements, but rather the health and safety of America's children. Like it or not, our Nation's kids look to professional athletes as role models and take cues from their actions, both good and bad.

I remain hopeful that professional sports will reform their drug testing policies on their own—a modest proposal in the eyes of reasonable people. However, the introduction of this bill demonstrates the continued seriousness with which Congress views this issue. It should be seen as a renewed incentive for the leagues to clean up their sports on their own without Government interference.

By Ms. MURKOWSKI (for herself and Mr. JOHNSON):

S. 1115. A bill to amend the Internal Revenue Code of 1986 to allow Indian tribes to receive charitable contributions of inventory; to the Committee on Finance.

Ms. MURKOWSKI. Mr. President, I rise to introduce a bill that will help increase the amount of food donations going to American Indians and Alaska Natives nationwide. I am pleased to have Mr. JOHNSON join me in introducing this important legislation.

Despite reports from the Census Bureau that show stable income levels for many Americans, the poverty rate for the 4.4 million American Indians and Alaska Natives living throughout the United States remains nearly three times that of non-Hispanic whites. Not only do Natives face greater challenges in securing basic household necessities, but in securing food as well.

According to a U.S. Department of Agriculture report released in late 2004, nearly 36 million Americans face challenges in getting enough food to eat. This includes nearly 13 million children. Of these statistics, Natives constitute a disproportionate number due to the higher poverty rate among this group.

And yet, charitable organizations that provide hunger relief are unable to meet the basic needs of Natives due to an oversight in the Federal tax code. Section 170(e)(3) of the Internal Revenue Code allows corporations to take an enhanced tax deduction for donations of food inventory; however, the food must be distributed to 501(c)(3) nonprofit organizations, such as food banks. Nonprofit organizations cannot then transfer such donations to tribes. Although many donations to tribes are tax deductible under section 7871 of the Internal Revenue Code, tribes are not among the organizations listed under section 501(c)(3) of the Internal Revenue Code. To clarify, section 170(e)(3) does not allow tribes to be eligible recipients of corporate food donations to nonprofit organizations since they are not listed under section 501(c)(3) as an eligible entity.

With this legislation, we intend to make a simple correction to the tax code that clearly indicates that tribes are eligible recipients of food donated under section 170(e)(3) of the Internal Revenue Code. This correction is long overdue and would remedy an egregious inequity in the Federal tax code that affects Natives nationwide.

Please allow me to provide a few examples of how this legislation could foster positive change. In Alaska, approximately half of the food donated to the Food Bank of Alaska from corporations could go to tribes throughout Alaska. Much of this food would go to villages that are only accessible by air or water. In South Dakota, roughly 30 percent of the food the Community Food Banks of South Dakota distributes would go to reservations. In North Dakota, the amount of food donated to the Great Plains Food Bank could double if this legislation were enacted. The Montana Food Bank Network projects that food donations could increase by 16 percent. A food bank based in Albuquerque, NM estimates that their food donations could triple in the first year alone.

It is imperative that we address this important issue expeditiously. The health and well-being of low income American Indians and Alaska Natives across the Nation is at stake.

I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 1115

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

SECTION 1. CHARITABLE CONTRIBUTIONS OF INVENTORY TO INDIAN TRIBES .

(a) IN GENERAL.—Section 170(e)(3) of the Internal Revenue Code of 1986 (relating to special rule for contributions of inventory and other property) is amended by adding at the end the following new subparagraph:

''(D) SPECIAL RULE FOR INDIAN TRIBES.—

''(i) IN GENERAL.—For purposes of this paragraph, an Indian tribe (as defined in section 7871(c)(3)(E)(ii)) shall be treated as an organization eligible to be a donee under subparagraph (A).

''(ii) USE OF PROPERTY.—For purposes of subparagraph (A)(i), if the use of the property donated is related to the exercise of an essential governmental function of the Indian tribal government (within the meaning of section 7871), such use shall be treated as related to the purpose or function constituting the basis for the organization's exemption.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2005.

AMENDMENTS SUBMITTED AND PROPOSED

SA 764. Mr. MARTINEZ (for himself and Mr. NELSON, of Florida) submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 764. Mr. MARTINEZ (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXII, add the following:

SEC. 2207. WHARF UPGRADES, NAVAL STATION MAYPORT, FLORIDA.

Of the amount authorized to be appropriated by section 2204(a)(4) for the Navy for architectural and engineering services and construction design, $500,000 shall be available for the design of wharf upgrades at Naval Station Mayport, Florida.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on May 24, 2005, at 3 p.m., to conduct a hearing on ''Money Laundering and Terror Financing Issues in the Middle East.''

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, May 24, 2005, at 10 a.m. on S. 529, a bill to authorize funding for the U.S. Anti-Doping Agency (USADA) and to designate it as the official doping agency of the U.S. Olympic Committee.

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

COMMITTEE ON FINANCE

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, May 24, 2005, at 10 a.m., in 628 Dirksen Senate Office Building, to consider the nominations of Alex Azar, II, to be Deputy Secretary of Health and Human Services, Department of Health and Human Services, Washington, DC; Timothy D. Adams, to be Under Secretary for International Affairs, U.S. Department of Treasury; Shara L. Aranoff, to be Member of the International Trade Commission; Suzanne C. DeFrancis to be Assistant Secretary for Public Affairs, U.S. Department of Health and Human Services; and Charles E. Johnson, to be Assistant Secretary for Budget, Technology and Finance, U.S. Department of Health and Human Services.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, May 24, 2005 at 9:30 a.m. to hold a hearing on nominations.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. CORNYN. Mr. President, I ask unanimous consent, pursuant to Rule 26.5(a) of the Standing Rules of the Senate, that the Select Committee on Intelligence be authorized to meet after conclusion of the first two hours after the meeting of the Senate commences on May 24, 2005.

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

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, AND INTERNATIONAL SECURITY

Mr. CORNYN. Mr. President, I ask unanimous consent that the Subcommittee on Federal Financial Management, Government Information, and International Security be authorized to meet on Tuesday, May 24, 2005, at 2 p.m. for a hearing regarding ''Overview of the Competitive Effects of Speciality Hospitals.''

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. CORNYN. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet on Tuesday, May 24, 2005, at 10 a.m. for a hearing entitled, ''Safeguarding the Merit System: A Review of the U.S. Office of Special Counsel.''

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

PRIVILEGE OF THE FLOOR

Mr. REED. Mr. President, I ask unanimous consent that Claire Steele, a fellow in my office, be granted the privilege of the floor for the remainder of today's session.

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

Mr. FEINGOLD. Mr. President, I ask unanimous consent that Avery Wentzel, a legal intern on my Senate Judiciary Committee staff, be granted the privilege of the floor during the debate on Justice Owen.

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

ORDER FOR STAR PRINT

Mr. FRIST. I ask unanimous consent Senate report 109–69 be star printed with the changes at the desk.

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

MEASURE PLACED ON THE CALENDAR—S. 1098

Mr. FRIST. Mr. President, 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 a second time.

The assistant legislative clerk read as follows:

A bill (S. 1098) to prevent abuse of the special allowance subsidies under the Federal Family Education Loan Program.

Mr. FRIST. In order to place the bill on the calendar under the provisions of rule XIV, I object to further proceeding.

The PRESIDING OFFICER. Objection is heard.

The bill will be placed on the calendar.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 100–696, appoints the Senator from Colorado, Mr. ALLARD, as a member of the United States Capitol Preservation Commission.

UNANIMOUS CONSENT AGREEMENT—JUDICIAL NOMINATIONS

Mr. FRIST. Mr. President, as in executive session, I ask unanimous consent that at a time determined by the majority leader, after consultation with the Democratic leader, it be in order to move to proceed en bloc to the following nominations, if reported by the Judiciary Committee; provided further that they be considered under a total time limitation of 10 hours equally divided between the chairman and ranking member or their designees; provided further that following the use or yielding back of time, the Senate proceed to votes on the confirmation of the nominations, with no further intervening action or debate. The nominations are as follows: David McKeague, to be U.S. circuit judge for the Sixth Circuit; Richard Griffin, to be U.S. circuit judge for the Sixth Circuit. Finally, I ask consent that following the votes, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

The Democratic leader.

Mr. REID. Mr. President, reserving the right to object, we are also hopeful and confident we can add Neilson to this group. The two Senators from Michigan are taking a look at her. She became very ill and, therefore, she was not able to move forward as these other two men have done. We feel confident, after speaking to the two Michigan Senators, that we will be able to add her to this list. She has now recovered her health and is back in good health, good stead.

The PRESIDING OFFICER. Is there objection?

Mr. REID. No.

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

Mr. FRIST. Mr. President, as in executive session, I ask unanimous consent that at a time determined by the majority leader, after consultation with the Democratic leader, the Senate proceed to the consideration of Executive Calendar No. 66, the nomination of Thomas Griffith to be U.S. circuit judge for the District of Columbia Circuit; provided further that there be 4 hours equally divided for debate on the nomination between the chair and the ranking member or their designees; provided further that following the use or yielding back of time, the Senate proceed to a vote on the confirmation of the nomination with no further intervening action or debate; finally, that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

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

JOINT REFERRAL

Mr. FRIST. As in executive session, I ask unanimous consent that the nomination of Charles S. Ciccolella, of Virginia, to be Assistant Secretary of Labor for Veterans Employment and Training, be jointly referred to the Committees on HELP and Veterans' Affairs.

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

ORDERS FOR WEDNESDAY, MAY 25, 2005

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Wednesday, May 25. I further ask that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of the 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 30 minutes under the control of the majority leader or his designee, and the final 30 minutes under the control of the Democratic leader or his designee.

Following morning business, the Senate will return to executive session and resume the consideration of the nomination of Priscilla Owen to the Fifth Circuit Court of Appeals, as provided under the previous order.

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

PROGRAM

Mr. FRIST. Tomorrow, following morning business, the Senate will resume consideration of Priscilla Owen to be U.S. circuit judge for the Fifth Circuit. Under a previous agreement, at 12 noon tomorrow, we will proceed to the vote on the confirmation.

Following the vote on the Owen nomination, it is my expectation that we will move forward with the nomination of John Bolton to be ambassador to the United Nations. Our colleagues on the other side of the aisle have indicated they would need a good deal of time to debate the nomination. We plan to complete action on the Bolton nomination this week, and I will work with the Democratic leader to lock in a time agreement on the nomination.

Mr. REID. Mr. President, if the distinguished majority leader will yield, I think it is appropriate that we have this vote at noon. We would have been willing to have it earlier. This way the committees can go about their business. I know I have a ranking members meeting at 12. So this will work out perfect. Even though we are waiting for the vote, I think this will work out well for the schedule.

Mr. FRIST. Mr. President, we have a good plan for the remainder of the week with that vote and proceeding with the nomination of John Bolton.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:57 p.m., adjourned until Wednesday, May 25, 2005, at 9:30 a.m.

EXTENSIONS OF REMARKS

A PROCLAMATION RECOGNIZING JONATHAN OLIVITO

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 2005

Mr. NEY. Mr. Speaker:

Whereas, Jonathan Olivito has devoted himself to serving others through his membership in the Boy Scouts of America; and

Whereas, Jonathan Olivito has shared his time and talent with the community in which he resides; and

Whereas, Jonathan Olivito has demonstrated a commitment to meet challenges with enthusiasm, confidence and outstanding service; and

Whereas, Jonathan Olivito must be commended for the hard work and dedication he put forth in earning the Eagle Scout Award.

Therefore, I join with the residents of Carrollton, the entire 18th Congressional District of Ohio, Jonathan's family and friends in congratulating Jonathan Olivito as he receives the Eagle Scout Award.

PERSONAL EXPLANATION

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 2005

Mr. POE. Mr. Speaker, due to other obligations in my district, I unfortunately missed the following votes on the House floor on Monday, May 23,2005.

I ask that the RECORD reflect that had I been able to vote that day, I would have voted "yes" on rollcall vote No. 200 (On Motion to Suspend the Rules and Pass, as Amended—the Internet Spyware (I–SPY) Prevention Act), and rollcall vote No. 201 (On Motion to Suspend the Rules and Pass, as Amended—the Securely Protect Yourself Against Cyber Trespass Act). I strongly support these two bills because they take important steps to protect the identity and privacy of computer users.

I also ask that the RECORD reflect that had I been able to vote that day, I would have voted "yes" on rollcall vote No. 202 (On Motion to Suspend the Rules and Pass, as Amended—Recognizing the 57th Anniversary of the Independence of the State of Israel). As a cosponsor of this legislation, H. Con. Res. 149, I congratulate Israel on its 57th Anniversary of Independence and their allegiance to the principles of freedom and democracy. Israel has consistently been a vital and strategic ally to the United States in the Middle East.

CELEBRATING ASIAN PACIFIC AMERICAN HERITAGE MONTH

SPEECH OF

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 2005

Mr. TOM DAVIS of Virginia. Mr. Speaker, I introduced House Resolution 280 to honor the immeasurable contributions of Asian and Pacific Islander Americans to our Nation. I want to specifically thank our distinguished Majority Leader for scheduling this resolution during May, which the Congress has designated as "Asian Pacific American Heritage Month" since 1978. '

The month of May is important to Asian and Pacific Islander Americans because of two key events. The first occurred on May 7, 1843, when the first Japanese immigrants to the United States arrived. The second important event took place on May 10, 1869, a day known as "Golden Spike Day," as the first North American transcontinental railroad was completed. The Central Pacific Railroad, which was built heading east from Sacramento, California, and the Union Pacific Railroad, built west from Omaha, Nebraska, met near the Great Salt Lake in Utah. Ever since, the country could be traversed by rail from coast to coast. This momentous accomplishment was made possible by thousands of rail workers, the majority of whom emigrated from China.

Like Black History Month in February, Asian Pacific American Heritage Month was established by an act of Congress. A former member of this body, Frank Horton of New York, led Congress to first establish "Asian/Pacific American Heritage Week" through Public Law 95–419 in 1978. Each year, the Week was to begin May 4 to include the important dates of May 7 and May 10. Then, in 1992, Congress expanded the commemoration to designate the entire month of May as "Asian/Pacific American Heritage Month." I am pleased the House is celebrating this significant designation today.

The Census Bureau revealed last year that 5 percent of the total U.S. population is of either Asian, native Hawaiian or other Pacific island heritage. As an example of their achievements, half of Asian-Americans over age 25 have earned a college degree, the highest proportion of college graduates of any ethnic group in the U.S. The corresponding rate for all American adults is 27 percent.

In addition, as the War on Terror continues, it is relevant to recognize the more than 300,000 Asian and Pacific Americans who have served our Nation in the armed forces. Asian and Pacific American service men and women are fighting on foreign soil today, and their sacrifices should be deeply respected. Indeed, they have performed with incredible valor during our Nation's history.

Asian Pacific American Heritage Month 2005 is being celebrated in numerous settings from community festivals to school events across the country. This year's theme—Freedom for All—A Nation We Call Our Own—is very appropriate to the more than 14 million U.S. residents of Asian and Pacific island heritage who call America home.

Mr. Speaker, I urge the adoption of House Resolution 280.

A PROCLAMATION IN MEMORY OF RUDY J. ZATEZALO

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 2005

Mr. NEY. Mr. Speaker:

Whereas, I hereby offer my heartfelt condolences to the family, friends, and community of Rudy J. Zatezalo; and

Whereas, Rudy J. Zatezalo was a retired press operator with Wheeling Pittsburgh Steel Corporation; and

Whereas, Rudy J. Zatezalo was a member of St. John's Catholic Church in Bellaire, the Knights of Columbus, and the Bellaire Lions Club; and

Whereas, Rudy J. Zatezalo bravely defended our country in the Army during World War II; and

Whereas, the understanding and caring to which he gave to others will stand as a monument to a truly fine person. His life and example inspired all who knew him.

Therefore, while I understand how words cannot express our grief at this most trying of times, I offer this token of profound sympathy to the family, friends, and colleagues of Rudy J. Zatezalo.

PERSONAL EXPLANATION

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 2005

Mr. POE. Mr. Speaker, due to other obligations, I unfortunately missed a recorded vote on the House floor on Thursday, May 19, 2005.

I ask that the RECORD reflect that had I been able to vote that day, I would have voted "yes" on Rollcall vote No. 196 (On Agreeing to the Amendment—prohibiting the use of funds for the sale or slaughter of wild free-roaming horses and burros.)

GENERAL SERVICES ADMINISTRATION MODERNIZATION ACT

SPEECH OF

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 2005

Mr. TOM DAVIS of Virginia. Mr. Speaker, H.R. 2066, the General Services Administration Modernization Act, was introduced by myself and Armed Services Chairman Hunter last month and approved by the Committee on Government Reform by unanimous consent on May 5, 2005.

The legislation would authorize a much needed reorganization and streamlining of the General Services Administration, the federal agency charged with leveraging the federal government's buying power to purchase commercial goods and services for the federal government at the best value possible in order to maximize the use of taxpayer funds.

This legislation has been under consideration in the Government Reform Committee for a number of years and has been the subject of multiple legislative and oversight hearings. It was also included in the President's budget proposal for fiscal year 2006.

Mr. Speaker, each year GSA buys products and services from the private sector worth well over $30 billion and resells them to federal agencies through two different Services. The Federal Technology Service uses the Information Technology Fund to purchase information technology, and the Federal Supply Service uses the General Supply Fund to purchase commercial goods and services.

This bifurcated system may have made sense when the IT fund was created two decades ago, when information technology was in its infancy. Today, however, laptop computers, cell phones, and e-mail are as ubiquitous as desks and phones. The business case for a separate system to handle IT goods and services no longer exists. In fact, the bifurcated system has become a barrier to coordinated acquisition of management services and the technology needed to support a total solution.

Since 2002, Administrator Perry has instituted and is currently carrying out an internal reorganization aimed at establishing GSA as a modem enterprise more reflective of the current market. H.R. 2066 would assist those efforts. Critical to Administrator Perry's efforts to modernize the General Services Administration is ensuring that the structural reforms are memorialized in GSA's organic legislation so that the remedies will endure.

To accomplish this, H.R. 2066 would consolidate the Federal Supply Service and the Federal Technology Service into a single entity operating out of a unified fund, providing federal agencies with a one-stop shop to acquire all of their commercial goods and services. This change in statute would provide GSA with the structure it needs to bring it in line with the current commercial market.

Specifically, the legislation would amend the Federal Property and Administrative Services Act of 1949 to create a new "Federal Acquisition Service," to be headed by a high-level Commissioner appointed by the GSA Administrator. H.R. 2066 would also provide that the new Federal Acquisition Service be supported by a newly created "Acquisition Services Fund" consisting of the assets of the old Information Technology and Supply Funds.

In addition, H.R. 2066 would authorize the GSA Administrator to appoint up to five "Regional Executives" for the Federal Acquisition Service to facilitate closer oversight and more management control over acquisition-related activities.

Finally, Mr./Madam Speaker, the General Services Administration Modernization Act would authorize retention bonuses and reemployment relief aimed at maintaining the strength and experience of the federal government's civilian acquisition workforce.

The environment in which the federal government purchases goods and services has changed dramatically in recent decades. Relegating the federal agency charged with purchasing goods and services for the rest of the federal government to an organizational structure that was constructed to function in a different era is a waste of taxpayer dollars. H.R. 2066 would remove the old structures that inhibit efficient federal purchases of solutions that are a mix of products, services and technology. The federal marketplace should reflect the best of the commercial marketplace: both in the products and services we buy and the way we buy them.

A PROCLAMATION RECOGNIZING THE OHIO ARMY NATIONAL GUARD'S 216TH ENGINEER BATTALION

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 2005

Mr. NEY. Mr. Speaker:

Whereas, the 216th was mobilized in January 2004 and supported the 1st Infantry Division in Iraq from March 2004 to February 2005; and

Whereas, the 216th conducted four hundred and fifty combat patrols and completed over three hundred and fifty missions at forty separate locations in north central Iraq and An Najaf; and

Whereas, the 216th played a critical role in improving force protection at forward operating bases and fixed check points as well as in preparation of Iraq's national election.

Therefore, I congratulate the Ohio National Guard's 216th Engineer Battalion on their receipt of the Meritorious Unit Commendation for exceptionally meritorious conduct in the performance of outstanding services during military operations against an armed enemy.

BUSINESS CHECKING FREEDOM ACT OF 2005

SPEECH OF

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 2005

Mr. OXLEY. Mr. Speaker, I rise in strong support of H.R. 1224, the Business Checking Freedom Act of 2005, which repeals antiquated banking laws that prohibit banks from paying interest on business checking accounts and the Federal Reserve from paying interest on funds that banks and other depository institutions are required by law to maintain at the Federal Reserve Banks.

Mr. Speaker, it may surprise some of our colleagues to know that since 1933, banks have been unable to pay interest on business checking accounts. The law was originally intended to ensure that larger banks did not use higher interest payments to lure deposits away from small, rural banks to fund stock market speculation. While at the time this law may have been wise public policy—although even that is debatable—in the year 2005 it is a relic of a financial world that no longer exists.

There is little doubt that now, with the current complex and competitive nature of the financial services industry, all depository institutions would benefit from the ability to offer business checking accounts and are more than able to manage the potential risks involved.

In fact, as the financial services industry grows more competitive and more complex, antiquated laws that limit the competitive capacities of financial institutions only harm the customer's ability to find appropriate financial solutions. Repealing the ban on interest on business checking accounts will free banks to compete for business customers on a level playing field, and promote the development of bank products and services geared toward a small business clientele that is ill-served by the current prohibition.

In addition to providing small businesses with much-needed regulatory relief, H.R. 1224 would authorize the payment of interest on certain reserves that depository institutions are required to maintain at the Federal Reserve. Current law prohibits such payments, thereby imposing a "hidden tax" on depository institutions and placing them at a competitive disadvantage relative to non-bank financial firms and foreign banks that are not subject to the same reserve requirements. If, under the Federal Reserve Act, banks, thrifts, and credit unions are required to hold funds against transaction accounts, simple fairness dictates that the Federal Reserve should be required to pay interest on those reserve balances. Federal Reserve Chairman Alan Greenspan has testified on numerous occasions that repealing the current prohibition would have the additional benefit of facilitating the Federal Reserve's management of U.S. monetary policy.

The bill also contains a hard fought compromise by Mr. GILLMOR of Ohio and Mr. FRANK of Massachusetts that addresses the authority of industrial loan companies (ILCs) to offer interest-bearing accounts to their business customers. The provision specifies that an ILC which obtained deposit insurance prior to October 1, 2003, is authorized to pay interest on a business account, provided the ILC is owned by the same parent company that owned it as of that date. Other ILCs could also offer such interest-bearing accounts, provided that at least 85 percent of the gross revenues of their parent company and other affiliates were derived from activities that were financial in nature or incidental to a financial activity during at least three of the prior four calendar quarters.

Mr. Speaker, legislation substantially similar to H.R. 1224 has been approved by this body on several prior occasions, including twice in the last Congress. The Bush administration has previously endorsed authorizing banks to pay interest on business checking accounts. In addition, H.R. 1224 is strongly supported by all segments of the small business community, including the National Federation of Independent Business and the U.S. Chamber of

Commerce, and by America's Community Bankers.

I want to conclude by thanking two valued Members of the Financial Services Committee, the gentlelady from New York, Mrs. KELLY and Mr. GILLMOR from Ohio, who have worked tirelessly over several Congresses to advance this legislation, as well as our Ranking Minority Member, Mr. FRANK, who has contributed greatly to this legislation and has been strongly supportive of the overall effort on this bill.

Mr. Speaker, I urge all of my colleagues to vote in favor of H.R. 1224.

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 2005

Mr. BARRETT of South Carolina. Mr. Speaker, due to family obligations in South Carolina, I unfortunately missed recorded votes on the House floor on Monday, May 23, 2005.

I ask that the Record reflect that had I been able to vote that day, I would have voted "yes" on rollcall vote No. 200 (Motion to Suspend the Rules and Pass H.R. 744—Internet Spyware (I–SPY) Prevention Act of 2005), "yes" on rollcall vote No. 201 (Motion to Suspend the Rules and Pass H.R. 29—Securely Protect Yourself Against Cyber Trespass Act), and "yes" on rollcall vote No. 202 (Motion to Suspend the Rules and Pass H. Con. Res. 149—Recognizing the 57th Anniversary of the independence of the State of Israel).

A PROCLAMATION RECOGNIZING TAMALA LONGABERGER

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 2005

Mr. NEY. Mr. Speaker:

Whereas, Tamala Longaberger has been appointed by President George W. Bush to chair the National Women's Business Council; and

Whereas, Tamala Longaberger will oversee the bipartisan federal advisory body to provide advice to the President, Congress, and the United States Small Business Administration on economic issues important to women business owners; and

Whereas, Tamala Longaberger has served as the chief executive officer of the number one maker of handmade baskets, Longaberger Company, for ten years; and

Whereas, Tamala Longaberger should be commended for her service in the Newark, Ohio and surrounding areas and to the Republican Party.

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in honoring and congratulating Tamala Longaberger for her outstanding appointment.

IN SPECIAL RECOGNITION OF QUINTEN S. WISE ON HIS APPOINTMENT TO ATTEND THE UNITED STATES MILITARY ACADEMY AT WEST POINT

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 2005

Mr. GILLMOR. Mr. Speaker, it is my great pleasure to pay special tribute to an outstanding young man from Ohio's Fifth Congressional District. I am happy to announce that Quinten S. Wise of Waterville, Ohio has been offered an appointment to attend the United States Military Academy at West Point, New York.

Quinten's offer of appointment poises him to attend the United States Military Academy this fall with the incoming cadet class of 2009. Attending one of our nation's military academies is an invaluable experience that offers a world-class education and demands the very best that these young men and women have to offer. Truly, it is one of the most challenging and rewarding undertakings of their lives.

Quinten brings an enormous amount of leadership, service, and dedication to the incoming class of West Point cadets. While attending Anthony Wayne High School in Whitehouse, Ohio, Quinten has attained a grade point average of 3.95, which places him near the top of his class of more than three hundred students. While a gifted athlete, Quinten has maintained the highest standards of excellence in his academics, choosing to enroll and excel in Advanced Placement classes throughout high school. Quinten has been a member of the National Honor Society, Honor Roll, and has earned awards and accolades as a scholar and an athlete.

Outside the classroom, Quinten has distinguished himself as an excellent student-athlete. On the fields of competition, he has earned letters in both Varsity Football and Baseball. Quinten has served as class president for four years and was selected as a 2004 delegate to the American Legion's Boys State. Quinten's dedication and service to the community and his peers has proven his ability to excel among the leaders at West Point. I have no doubt that Quinten will take the lessons of his student leadership with him to West Point.

Mr. Speaker, I ask my colleagues to join me in congratulating Quinten S. Wise on his appointment to the United States Military Academy at West Point. Our service academies offer the finest military training and education available anywhere in the world. I am sure that Quinten will do very well during his career at West Point and I ask my colleagues to join me in wishing him well as he begins his service to the nation.

PERSONAL EXPLANATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 2005

Mr. GALLEGLY. Mr. Speaker, on Monday, May 23, 2005 I was unable to vote on a motion to suspend the rules and pass H.R. 744, the Internet Spyware Prevention Act of 2005 (rollcall No. 200); H.R. 29, Securely Protect Yourself Against Cyber Trespass Act (rollcall No. 201); and H. Con. Res. 149, Recognizing the 57th Anniversary of the Independence of the State of Israel (rollcall No. 202). Had I been present, I would have voted "yea" on all three measures.

TRIBUTE TO CHARLES E. WALKER

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 2005

Mr. RUPPERSBERGER. Mr. Speaker, I rise today to pay tribute to Charles E. Walker.

Charles Walker is a Government Affairs Officer with the Army Corps of Engineers and he will be retiring this year after thirty years of outstanding work in the Federal service.

Charles Walker has consistently demonstrated a high level of performance throughout his career serving our nation, starting with his service in the United States Army. He joined the Army in 1966 and fought in the Vietnam conflict. He left the Army in 1969 and returned to continue his education.

He earned his Russian Language Certificate from Leningrad University and a P.h.D. from West Virginia University in 1973. Prior to Vietnam, Charles Walker had been a secondary school teacher in Baltimore City. He returned to teaching in 1973 as a History Lecturer at Anne Arundel Community College and remained there until 1974.

In 1975, Charles Walker entered the Federal service as a historian in the Historical Office of the Headquarters of the Army Corps of Engineers. He left the Corps in 1978 to become an aide to the Mayor of Baltimore City and returned to teaching in 1979, taking a position as a U.S. Government instructor at Towson University.

Since 1980, Charles Walker has been working exclusively as a member of the Federal service. First as a Senior Soviet Research Analyst at the Library of Congress in 1980, he became a Public Affairs Specialist with the Corps of Engineers. He again left the Corps in 1982. In 1987, Charles Walker became the Public Affairs Director for the Maryland Department of the Environment.

In 1991, Charles Walker began his current position as a Government Affairs Officer with the Army Corps of Engineers. His professionalism, dedication, diligence and enthusiasm have had a significant positive impact on the Corps as it serves its mission.

The Baltimore District of the Corps serves five states and helps to design and construct facilities and provide real estate services to support America's Army. The Corps also plays an active role in maintaining important navigation channels to secure the safety of national commerce in addition to the many public service engineering projects it performs in our communities.

Mr. Speaker, I ask my colleagues to join me in thanking Charles E. Walker for his service to our nation and honoring him on the occasion of his retirement.

A PROCLAMATION HONORING ARLENE WHITBECK KRUEGER

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 2005

Mr. NEY. Mr. Speaker:

Whereas, Arlene May Whitbeck was born in Albany, New York on May 21, 1921; and

Whereas, Arlene Whitbeck married Robert Krueger on October 25, 1947; and

Whereas, Arlene and Robert raised their two children, John and Karen; and

Whereas, Arlene Krueger's professional career was spent in the family business, Whitbeck Motors, in Troy, New York, where she succeeded her father as President in 1965; and

Whereas, Arlene and Robert retired to Florida in the mid-1970s, but missing their family, now including their two grandchildren, Christopher and Sarah, they have returned to the New York of their roots to enjoy their golden years; and

Whereas, Arlene Krueger has exemplified a love of life, caring, and service for her family and neighbors.

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in congratulating Arlene Whitbeck Krueger as she celebrates her 84th Birthday.

PERSONAL EXPLANATION

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 2005

Mr. KOLBE. Mr. Speaker, on May 19, I missed the vote on agreeing to the Terry amendment to H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006 (#193). I intended to vote "nay."

RECOGNIZING 57TH ANNIVERSARY OF INDEPENDENCE OF STATE OF ISRAEL

SPEECH OF

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 2005

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today in support of this resolution marking the 57th anniversary of the independence of the State of Israel, and to extend my congratulations to the Israeli people.

Israel has had to overcome many obstacles in its 57 years of existence. On May 14, 1948, Israel proclaimed its independence. Less than 24 hours later, the armies of Egypt, Jordan, Syria, Lebanon and Iraq invaded the country, forcing Israel to defend itself. In what became known as Israel's War of Independence, the newly formed, poorly equipped Israel Defense Forces held off the invaders in fierce fighting, which lasted 15 months and claimed over 6,000 Israeli lives, nearly one percent of the country's Jewish population at the time.

This war characterized the struggles the Israeli people have endured since 1948. However, in the face of this hostility from their neighbors, and the numerous terrorist attacks they have suffered, Israel has maintained the ideals it was founded on, pluralism, freedom, and human rights. Israel has served as a beacon of democracy in the Middle East and its shared values with the United States has led to a natural friendship between the two nations. We in Congress stand firmly behind Israel. The United States has a stake in the future of Israel and in the entire region, and we must make every effort to assist Israel in its struggle for security by helping reach a lasting peace with its neighbors.

Mr. Speaker, the commemoration of the independence of Israel is an important reminder of the contributions of Israel to democracy worldwide. Today, I ask my colleagues to join me in celebrating Israel's independence by supporting House Concurrent Resolution 149.

TRIBUTE TO MOHAMMED KHAN, ADMINISTRATOR OF THE MONTACHUSETT REGIONAL TRANSIT

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 2005

Mr. OLVER. Mr. Speaker, I rise today to pay tribute to Mohammed Khan, Administrator of the Montachusett Regional Transit Authority, in recognition of his work in meeting the needs of transportation-disadvantaged individuals throughout the Commonwealth of Massachusetts.

Today, the Secretary of Transportation will award Mr. Khan and the Montachusett Regional Transit Authority the 2005 United We Ride National Leadership Award from the Federal Interagency Coordinating Council on Access and Mobility. The Montachusett Regional Transit Authority is one of only five organizations nationwide that will be recognized this year for exemplary coordination of transportation services for older adults, people with disabilities, and individuals with lower incomes. Through Mr. Khan's leadership, the Montachusett Regional Transit Authority is specifically being recognized for their Brokerage Services Program, a service that contracts with approximately 160 private sector vendors to provide over 11,000 rides a day.

It is not often that we are able to pay adequate tribute to our Nation's community leaders. Mr. Khan has been a strong force for progressive, efficient public service in the area of transportation. It is through Mr. Khan's humility, integrity and vision that many transportation-disadvantaged individuals receive quality, reliable transit services in the Commonwealth of Massachusetts. Mr. Khan has made outstanding contributions to his community and, is therefore, worthy of our thanks.

STOP COUNTERFEITING IN MANUFACTURED GOODS ACT

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 2005

Mr. ROTHMAN. Mr. Speaker, as a proud cosponsor of H.R. 32, the Stop Counterfeiting in Manufactured Good Act, I rise in support of this legislation. In a time when U.S. manufacturing has been tested again and again by foreign markets, we must do everything we can to ensure that this vital industry continues to grow stronger. The Stop Counterfeiting in Manufactured Goods Act will do just that.

With its two pronged approach to destroy equipment used to manufacture counterfeit goods and to prohibit the trafficking of such goods, this legislation will save American manufacturers billions of dollars every year. Furthermore, the Stop Counterfeiting in Manufactured Goods Act will provide the same type of protection under the law for manufacturers that we now grant to copyright owners. This legislation is a welcome addition to the numerous efforts this Congress has undertaken to preserve the manufacturing sector.

I commend Congressman KNOLLENBERG for his interest in helping to protect manufacturing by granting law enforcement authorities the tools they need to put an end to counterfeiting practices. I urge my colleagues to support this legislation that will not only go a long to way in helping to preserve an American way of life, but it will also protect all Americans from the deception of counterfeit goods.

A PROCLAMATION RECOGNIZING RYAN KEITH GELTMEIER

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 2005

Mr. NEY. Mr. Speaker:

Whereas, Ryan Keith Geltmeier has devoted himself to serving others through his membership in the Boy Scouts of America; and

Whereas, Ryan Keith Geltmeier has shared his time and talent with the community in which he resides; and

Whereas, Ryan Keith Geltmeier has demonstrated a commitment to meet challenges with enthusiasm, confidence and outstanding service; and

Whereas, Ryan Keith Geltmeier must be commended for the hard work and dedication he put forth in earning the Eagle Scout Award.

Therefore, I join with the residents of Sandyville, the entire 18th Congressional District of Ohio, Ryan's family and friends in congratulating Ryan Keith Geltmeier as he receives the Eagle Scout Award.

MINNESOTA'S HISTORIC OLD LOG THEATER MARKS RECORD RUN OF 65 YEARS

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 2005

Mr. RAMSTAD. Mr. Speaker, I rise today to pay tribute to a historic Minnesota and national treasure, the Old Log Theater.

The Old Log is a pioneering lighthouse in the history of theater in our Nation, located on the shores of Lake Minnetonka in Greenwood, next to Excelsior, Minnesota.

Just as Lake Minnetonka for generations has been a powerful attraction for visitors from all over the world trying to escape the summer heat, the rich tradition of the Old Log Theater has been a magnet for theater fans around the globe.

On June 9th, the Old Log Theater will celebrate its 65th anniversary, a truly remarkable accomplishment that is most deserving of special recognition.

Mr. Speaker, the Old Log Theater, under the visionary guidance of Don Stolz, is the Nation's oldest, continuously running professional theater.

Don is largely responsible for the Old Log's legendary 65-year run.

He has worn every hat: producer, artistic director, company member, ticket seller, public address announcer, theater host and many more.

Don's distinguished presence, the great respect he enjoys in the community and the profession, and his wonderful sense of humor have as much to do with the success of the Old Log as any other factor.

The enduring legacy of this great theater is that, at its roots, the Old Log is a family affair. Don, his wife, Joan, and their sons, Tim, Tom, Dony, John and Peter, have acted as a team, filling every role.

And author and public relations manager Bob Williams is really a member of the Stolz family, too.

Originally opened in the spring of 1940 as a summer stock company in a log stable, the Old Log has entertained over 6 million patrons over the past six and a half decades.

In 1960, a new theater opened and the Old Log started running year-round its stable of the best in contemporary comedies from Broadway and London's West End.

Theater buffs can find some of the best comedic talent in the country in the Old Log's resident company of Equity actors.

Famous stars too numerous to mention have started their careers at the Old Log. Radio and TV personalities have graced its stage year after year.

But those of us who have been in the audience—and we come back time and again!—have been graced the most by the continuing excellence of the Old Log.

Mr. Speaker, please join me in congratulating Don Stolz and the Stolz family on the 65th anniversary of the Old Log Theater.

PERSONAL EXPLANATION

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 2005

Mr. KENNEDY of Rhode Island. Mr. Speaker, on the evening of May 23, I missed three rollcall votes. I respectfully request the opportunity to record my position on rollcall votes. It was my intention to vote: yes on H.R. 744—Internet Spyware (I–SPY) Prevention Act of 2005; yes on H.R. 29—Securely Protect Yourself Against Cyber Trespass Act; yes on H. Con. Res. 149—Recognizing the 57th anniversary of the independence of the State of Israel.

At this time I would ask for unanimous consent that my positions be entered into the RECORD following those votes or in the appropriate portion of the RECORD.

NARCO-TERRORISM ENFORCEMENT ACT OF 2005

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 2005

Mr. HYDE. Mr. Speaker, I am pleased to introduce today the "Narco-Terrorism Enforcement Act of 2005." This legislation will provide yet another tool for our law enforcement agencies in the struggle against global terrorism and illicit drugs, and against those who traffick in the illicit narcotics which help finance terrorism.

In a recent hearing before our International Relations Committee on the heroin crisis in Afghanistan, our excellent and knowledgeable Drug Enforcement Administration (DEA) indicated that nearly half of the U.S. Government-designated Foreign Terrorist Organizations (FTOs) around the globe have links to illicit narcotics (18 of 40). The nexus between terrorism and illicit narcotics grows more and more as evidence emerges of their common, supportive links and as the use also increases of drug trafficking routes to move both narcotics and terrorists.

In the case of the Afghan narcotics, which help finance several of the terrorist organizations that are today attacking American troops and the new Afghan democratic government, much of the heroin produced there is supplied to Europe and Asia, not to the United States. In cases where there is not yet any known nexus to U.S. trafficking or any domestic destinations here at home, our DEA agents on the front line often rely on another foreign transiting nation or the producing nation itself to bring indictments of these drug trafficking cases and proceed with difficult and challenging prosecutions.

This bill makes clear that, even without direct U.S. nexus, if these drugs help support or sustain a foreign terrorist organization, the producers and traffickers can, and should be, prosecuted for material support of terrorism, whether or not the illicit narcotics are ever intended for, or enter, the United States. In addition, this bill raises the penalties under the material support-for-terrorism statute to reflect the seriousness of this offense. This bill reflects the new reality, emerging challenges, and ever-clearer drug links on the global terrorism front.

I look forward to enacting this reform as Congress continues its effort to provide our national law enforcement agencies with the tools needed to win the war on global terrorism.

WATER STORAGE

HON. C.L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 2005

Mr. OTTER. Mr. Speaker, If there's one thing Idahoans understand, it's the importance of matching our limited water supplies to what seem to be unlimited demands on the water we have. Every year our water supplies face demands from irrigation, power generation, industrial and municipal users, as well as from environmental groups for fish recovery and other Endangered Species Act requirements.

These demands are constantly growing, yet every spring we watch hundreds of thousands of acre-feet of water pass through our system that could and should be stored for beneficial uses. This is water that could be used for aquifer recharge, expanding municipal systems or even environmental mitigation.

I have been told that the days of building new dams are over. However, I am not that easily convinced. Recently I convened a group of interested water users to look at additional storage opportunities in Idaho. The group is focusing on the Treasure Valley, but we are hopeful that the group can find some success and we can use a similar process in other regions of the state. We are not just talking about building dams; we also are looking at adding to existing structures, off-site storage, recharge and a host of other ideas.

As part of this process, the Bureau of Reclamation in Idaho is undertaking the appraisal level study for the Boise and Payette river systems. The legislation I am introducing today is the next step in the process. It is a broad authorization for the Bureau to conduct feasibility studies on the Snake, Boise, and Payette River systems.

Our communities, our economy and our families all depend on water to survive, grow and prosper. Deciding how to use such a rare commodity in a way that does the greatest good for the greatest number, while hewing to the principles of law and equity on which our society is based, is an enormous challenge. The task is further complicated, and brought into sharp focus, by the continuing drought plaguing Idaho and much of the arid West.

Our energy, our economy and our environment all will depend on the ability to anticipate and prioritize future water needs. Our children, our grandchildren and generations to come all are depending on the choices we make today. Preserving water rights while providing for continued growth are a top priority of mine and I will continue to work to achieve that goal.

IN TRIBUTE TO ROBERT PETERS, OUTSTANDING MILWAUKEE EDUCATOR

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 2005

Ms. MOORE of Wisconsin. Mr. Speaker, I rise today to express my gratitude to an outstanding leader within the Milwaukee educational community, Mr. Robert L. Peters. Mr. Peters, who worked in the Milwaukee Public Schools for over thirty years, is retiring this month as Principal of James Madison University High School. As an educator and principal, he made a difference in the lives of thousands of young Milwaukee residents.

Mr. Peters came to Milwaukee from Mississippi. He received a B.S. cum laude from Jackson State University in 1972, earning his M.S. shortly thereafter from the University of Southern Mississippi.

As a principal, Mr. Peters sought to address long-standing problems—like discipline and attendance—in new ways. Ever an educator, he continued to teach and to develop new curricula throughout his career as an administrator. Mr. Peters developed five Milwaukee Public High Schools into praiseworthy educational facilities, creating nurturing, safe instructional environments that fostered student learning and academic excellence.

Mr. Peters is also an upstanding member of the Milwaukee community, taking an active role in his church, Tabernacle Baptist Church, and participating in numerous civic organizations and community activities. As a member of the National Association for the Advancement of Colored People (NAACP), he was active in the Annual Fund Raising Campaign. As a volunteer with Project Return, he provided counseling to local residents attempting to make the difficult transition from incarceration to regular society. He found ways to integrate this community leadership with his educational mission, for example, by developing a curriculum and conducting workshops for teachers to prepare for Black History Month.

His awards and commendations are numerous. Mr. Peters was recognized as one of North America's 100 Best Educational Administrators by Executive Educator and has been selected as Wisconsin's Principal of the Year.

Mr. Speaker, I ask my colleagues to join me in paying tribute to Mr. Robert L. Peters for the immeasurable service he has rendered to our country and his community. I sincerely thank Mr. Peters for his enduring commitment to Milwaukee's children, and wish him a long, enjoyable retirement.

BUFFALO NEWS ARTICLE: CLOSE BASE ON LONG ISLAND, NOT IN NIAGARA, SAYS PENTAGON OFFICIAL FROM REAGAN YEARS

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 2005

Ms. SLAUGHTER. Mr. Speaker, I rise to enter into the RECORD an article that appeared in the Buffalo News on May 24. The article details how a former Assistant Secretary of Defense under President Ronald Reagan has disagreed with Secretary Rumsfeld's recommendation to close Niagara Falls Air Reserve Station.

[From the Buffalo News, May 24, 2005]

CLOSE BASE ON LONG ISLAND, NOT IN NIAGARA, SAYS PENTAGON OFFICIAL FROM REAGAN YEARS

(By Jerry Zremski and Sharon Linstedt)

A former assistant secretary of defense under President Ronald Reagan has rushed to the defense of the Niagara Falls Air Reserve Station, saying the Pentagon should consider closing a base on Long Island instead.

Lawrence J. Korb, who oversaw personnel and base issues at the Pentagon from 1981 to 1985, wrote an op-ed article for the New York Times' Long Island regional edition Sunday that criticized the proposed Niagara closing.

He urged the independent commission that is reviewing the Pentagon's base-closure recommendations to instead consider shutting an Air National Guard station at Francis S. Gabreski Airport in Westhampton Beach.

''It should take a close look at Niagara and Gabreski,'' Korb wrote.

The two bases perform different tasks. The Niagara base services a Guard unit that performs refueling missions and an Air Reserve unit that hauls cargo, while the Gabreski base services a search-and-rescue Guard unit.

Korb suggested that the search-and-rescue team be moved to Stewart Air Force Base in Newburgh, north of New York City, and that Niagara stay open for several reasons.

For one, he said, such a move would keep jobs in-state and prevent the Niagara operations from being dispersed to Arkansas, Maine and Georgia.

''Moreover, the Pentagon will need to spend a lot just to bring Gabreski up to minimum standards,'' Korb wrote. ''Paradoxically, Congress allotted Niagara more than $14 million last year for upgrades.''

Korb, a native of Long Island, noted that while Gabreski contributes about $100 million to Long Island's economy, the Niagara base generates more than $150 million. ''Suffolk County is better positioned than Niagara to absorb the cutbacks,'' he said.

In an interview, Korb said he decided to write the opinion article after reviewing the Pentagon's proposed closures. ''This just doesn't make sense'' that Gabreski would stay open and Niagara would close, he said.

He said that it would be very difficult for part-time air personnel from Niagara to travel to out-of-state bases to train and that Long Island would be better able than Western New York to withstand a base closing economically.

Korb, now a senior fellow at the liberal-leaning Center for American Progress in Washington, is one of Washington's most prominent and oft-quoted defense experts.

In another development, the Niagara Frontier Transportation Authority board of commissioners is throwing its support behind efforts to keep the Niagara Falls base open and will ask NFTA workers to do the same.

The NFTA board Monday unanimously approved a resolution backing the Niagara Military Affairs Council in its efforts to get the base off the list for closing.

Commissioners also approved a plan to send letters to the NFTA's 1,500 employees asking them to write to the Base Realignment and Closure Commission showing their support for keeping the base open.

''This is an important issue for the Niagara Falls community and all of Western New York. I think we need a full-court press,'' said Commissioner Henry M. Sloma, who represents Niagara County.

''It makes a lot of sense to show support,'' NFTA Chairman Luiz F. Kahl said of the USA Niagara-led effort to amass 10,000 letters before a June 27 hearing in Buffalo on the Pentagon proposal.

COMMENDING VINCENT PAUL DIEGO, PH.D.

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 2005

Ms. BORDALLO. Mr. Speaker, I rise today to recognize and commend Vince P. Diego for the completion of his Doctor of Philosophy in Anthropology from the State University of New York at Binghamton. I had the privilege of attending Dr. Diego's Doctoral degree presentation on May 14, 2005, and was extremely impressed by the accomplishments of this promising man who hails from the village of Inarajan and completed his undergraduate studies in biology at the University of Guam. Vince is an outstanding role model for young Chamorros in Guam and a shining example that perseverance, dedication and excellence will be recognized and rewarded.

One of Dr. Diego's primary research interests is the rare neurodegenerative disease amyotrophic lateral sclerosis/Parkinsons-dementia complex, which has a historically high prevalence in Guam where it is known as lytico-bodig. Dr. Diego's ongoing research with his dissertation advisor Dr. Ralph M. Garruto seeks to provide a greater understanding of this disease, which is one of the most compelling unresolved mysteries of modem medicine. He would like to return to Guam after he completes his training to carry out his own research on the biomedical problems of Chamorros, the indigenous people of Guam, and other Micronesians.

His research interests also include diseases that are described as ''metabolic syndromes,'' which include heart disease, diabetes, hypertension and obesity. Chamorros, Filipinos, and other Asian and Pacific Islander American groups in Guam suffer disproportionately from these diseases. As the Chair of the Congressional Asian Pacific American Caucus's Health Task Force, I have called for the need to better understand how our communities are affected by these devastating diseases. Dr. Diego is one of the scientists who is on the front line of learning more about these diseases and how they can be prevented and treated in our communities. His current research activities as a post-doctoral scientist at the Southwest Foundation for Biomedical Research's Department of Genetics include the statistical genetics of the metabolic syndrome in American Indians, Alaskan Natives, and Mexican Americans of San Antonio and on theoretical modeling in statistical genetics.

Dr. Diego's parents are Frank Paulino Diego and Teresita Taitague Diego of Inarajan and he is the youngest of six children. He graduated from Guam's Father Duenas Memorial School in 1990.

REMARKS OF SECRETARY OF STATE CONDOLEEZZA RICE TO THE AMERICAN ISRAEL PUBLIC AFFAIRS COMMITTEE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 2005

Mr. LANTOS. Mr. Speaker, as my colleagues know, the American Israel Public Affairs Committee (AIPAC) is holding its annual policy conference in Washington this week, and most of us will be receiving visits this week from our constituents who are here for this important yearly event.

Yesterday, Mr. Speaker, our Secretary of State, Condoleezza Rice, delivered the key address on behalf of the Administration to the AIPAC conference. Secretary Rice articulated in a clear and elegant manner the diverse and intense ties that bind the United States and our democratic ally Israel. As Secretary Rice reaffirmed as she began her speech, ''Israel has no greater friend and no stronger supporter than the United States of America.''

The strength of our relationship with Israel has transcended administrations and political parties. It was a critical and an intense relationship from the founding of the state of Israel in 1948, when President Harry Truman extended U.S. recognition to the Jewish state only eleven minutes after its independence was proclaimed. This relationship has continued through 57 years and eleven presidential administrations of both parties. Israel continues to enjoy strong bipartisan and bicameral support here in the Congress of the United States.

Though Israel and the United States have had close ties for more than half a century, conditions have changed, the world has changed, and our relationship has changed with the times as well. Secretary Rice has put American-Israeli ties in the framework of our ongoing fight against terrorism and our increasingly globalized world. She has emphasized the continuing importance of America's relationship with Israel to the American people and its relevance to the Administration's effort to foster democracy and respect for human rights and the rule of law throughout the Middle East.

Mr. Speaker, I ask that Secretary Rice's address be placed in the RECORD, and I urge my colleagues to read and give attention to her thoughtful remarks.

SECRETARY OF STATE CONDOLEEZZA RICE, REMARKS AT THE AIPAC ANNUAL POLICY CONFERENCE MAY 23, 2005

Thank you very much. Let me begin by saying that Israel has no greater friend and no stronger supporter than the United States of America. For over half a century, AIPAC has strengthened the religious, cultural and political bonds that unite our two great nations, and I thank you for that.

The United States and Israel share much in common. We both affirm the innate freedom and dignity of every human life, not as prizes that people confer to one another, but as divine gifts of the Almighty. As Thomas Jefferson once wrote, ''The God that gave us liberty and life gave them to us at the same time.''

Moral clarity is an essential virtue in our world today and for 60 years cynics and skeptics have proven that we have been looking to false choices in the Middle East. They have claimed that we must choose either freedom or stability, either democracy or security. They have said that the United States could either uphold its principles or advance its policies.

But by trying to purchase stability at the price of liberty, we achieved neither and we saw the result of that on a fine September morning. That is why President Bush has rejected 60 years of false choices in the Middle East. And as he said last week at the International Republican Institute, ''The United States has a new policy, a strategy that recognizes that the best way to defeat the ideology that uses terror as a weapon is to spread freedom and democracy.''

The President holds the deep belief that all human beings desire and deserve to live in liberty. This idea, of course, did not immediately find favor. Many continued to defend the false choices of the past. But we knew then and we know now America's message is clear, our principles are sound and our policies are right, and today the nations of the world are finally joining with the United States to support the cause of freedom.

We measure our success in the democratic revolutions that have stunned the entire world: vibrant revolutions of rose and orange and purple and tulip and cedar. The destiny of the Middle East is bound up in this global expansion of freedom. The days of thinking that this region was somehow immune to democracy are over. Working with our G–8 partners, the United States has created the Broader Middle East and North Africa Initiative to build partnerships with people in the region who are working for greater liberty.

The flagship of this bold new policy is the Forum for the Future, an unprecedented international venue to amplify the voices of reform that are redefining the region. Together, we will tackle the urgent goals of the Forum: political openness, economic liberty, educational opportunity and the empowerment of women.

Today, nations all across the world are speaking a common language of reform and they are helping citizens throughout the broader Middle East to transform the parameters of debate in their societies. The people of this region are expressing ideas and taking actions that would have been unthinkable only one year ago.

Some in the Arab media have even asked why the only real democracies in the Middle East are found in the ''occupied lands'' of Iraq and the Palestinian territories. What an incredible thought. Today, citizens in the region are demanding that their governments respond to this simple, audacious question.

And many states will have to answer their people's call for genuine reform. Jordan and Bahrain and Qatar and Morocco are all taking steps to introduce greater openness into their political systems. Egypt has amended its constitution with electoral reform. And even Saudi Arabia has held multiple elections. And just last week, remarkably, the Kuwaiti legislature granted its women citizens the right to vote.

Kuwait's recognition that it must include all of its people in political life is, hopefully, an example that its neighbors will follow. In Lebanon, hundreds of thousands of citizens have demanded an end to the foreign suffocation of their country. With strong international support, led by the United States and by France, and with an explicit mandate from the United Nations Security Council, Syria has gotten the message loud and clear that it is not welcome in Lebanon.

The Syrian regime has withdrawn its decades-long military presence. And at the end of this month, the Lebanese people will go to the polls and set a new course of action. But we cannot rest. Syria must also remove its intelligence forces and allow the Lebanese people to be free.

To be sure, a vital source of inspiration for all of these reformers comes from the people of Iraq, who defied threats of murder to vote in free elections in January. They declared with one voice that the will of the people, not the whim of a dictator, would determine Iraq's future. They declared with that same voice that no Iraqi regime would ever again torture its people, invade its neighbors, attack its neighbors and offer financial incentives to Palestinian homicide bombers.

Today, Iraq has a transitional government that will soon begin framing a new national constitution. Free nations everywhere have rallied to Iraq's side. There is a coalition of 30 countries helping the Iraqi people to defend themselves from murderers and terrorists. NATO is training Iraq's army officers, police forces and civilian administrators. And next month, at the request of Iraq's new government, the United States and the European Union will co-host an international conference to build greater support for democracy, prosperity and security.

Now, I speak to these reform efforts because the United States looks to a future and has a vision of a day when Israel is no longer the sole democracy in the Middle East. This aspiration shapes the very heart of our approach to the Israeli-Palestinian conflict as well. For four years, President Bush refused to meet with Yasser Arafat. He did so because Arafat valued neither Israel's security nor his own people's liberty.

There were those who ridiculed this principled decision as if the refusal to negotiate with a man who aided and abetted terrorism somehow revealed a lack of concern for peace. America and Israel had tried before to gain peace where democracy did not exist and we are not going down that road again.

Instead, President Bush advanced a vision of two democratic states: Israel and Palestine living side by side in peace and security. And today, the Palestinian people are trying to meet this democratic challenge. In January, they voted in historic elections for a leader who rejects violence as a path to peace. President Abbas has committed to both freedom and security and President Bush has offered his hand in friendship, just as he promised he would.

In three days, when they meet together here in Washington, they will build a relationship that is one that is based on the good faith that only democratic leaders can bring. The President will be clear that there are commitments to be met, that there are goals to be met, but that democracy is a goal that is unassailable and incontrovertible.

Prime Minister Sharon has also recognized that Israel is gaining a legitimate partner for peace and he has made courageous decisions that could change the course of history. Beginning in August, Prime Minister Sharon will implement his plan to withdraw from Gaza and parts of the West Bank. Israel's disengagement strategy presents an unprecedented and incredibly delicate opportunity for peace and we must all work together to capitalize on this precious moment.

To strengthen our present opportunities, all nations must meet their obligations. Israel must take no actions that prejudice a final settlement or jeopardize the true viability of the Palestinian state. And Israel must help to create the conditions for the emergence of that democratic state.

The Palestinian Authority must advance democratic reform and it must dismantle all terrorist networks in its society.

Arab states must end incitement in their media, cut off all support for terrorism and extremist education, and establish normal relations with Israel.

To nurture our present opportunity, President Bush proposed and the Quartet nations

endorsed the appointment of James Wolfensohn as Special Envoy for Gaza Disengagement. Jim Wolfensohn will help the Israelis and Palestinians coordinate on nonmilitary aspects of their disengagement, including disposition of assets and revitalization of the Palestinian economy.

To protect our present opportunity, President Bush has sent General William Ward to help the Palestinians reform their security services. General Ward is also coordinating all international security assistance to the Palestinians, including training and equipment.

To expand our present opportunity, the United States has greatly increased our financial assistance to the Palestinian people. We are pledging $350 million to help the Palestinians build the free institutions of their democratic state. This is an unprecedented contribution to the future of peace and freedom in the Middle East.

Yes, this past year has brought forth a dramatic shift in the political landscape of the Middle East. But this moment of transformation is very fragile and it still has committed enemies, particularly the Government of Iran, which is the world's leading sponsor of terrorism.

The United States has focused the world's attention on Iran's pursuit of weapons of mass destruction. And along with our allies, we are working to gain full disclosure of Iran's efforts to obtain nuclear weapons. The world must not tolerate any Iranian attempt to develop a nuclear weapon. Nor can it tolerate Iran's efforts to subvert democratic governments through terrorism.

Ladies and gentlemen, the Middle East is changing and even the unelected leaders in Tehran must recognize this fact. They must know that the energy of reform that is building all around them will one day inspire Iran's citizens to demand their liberty and their rights. The United States stands with the people of Iran.

President Bush has declared that advancing the cause of freedom is the calling of our time and in the broader Middle East, his policies are expanding the scope of what many thought possible. With our support, the people of the region are demonstrating that all great human achievement begins with free individuals who do not accept that the reality of today must also be the reality of tomorrow. Of course, there will always be cynics and skeptics who hold the misguided belief that if they can not see their goal, then it cannot be possible. They will try to elevate their cynicism by calling it realism and they will criticize all who echo the stirring words of Theodore Hertzel, ''If you will it, it is no dream.''

In 1776, cynics and skeptics could not see an independent America, so they doubted that it could be so. They saw only 13 colonies that could never hang together and would surely hang separately. But there were others who had a vision, a vision of the United States as a free and great nation, a democracy, and one day, a complete multiethnic society. With perseverance, the American people made that vision a reality. In 1948, cynics and skeptics could not see the promise of Israel, so they doubted it, said it could never be fulfilled. They saw only a wounded and wandering people beset on all sides by hostile armies.

But there were those who had another vision, a vision of a Jewish state that would shelter its children, defend its sacred homeland, turn its desert soil green and reaffirm the principles of freedom and democracy. With courage, the Israeli people made that vision a reality.

Today, cynics and skeptics cannot see a democratic Middle East, so they doubt that it is a realistic goal. They focus only on the despotism that has shaped the region's past and still defines much of its present. But ladies and gentlemen, make no mistake, freedom is on the march in Afghanistan and Iraq and in Lebanon and in Georgia and Ukraine and Kyrgyzstan and in the Palestinian territories.

Yes, it is hard and progress is uneven. There are violent men who will stop at nothing to prevent democracy's rise. Yet people all across the Middle East today are talking and demonstrating and sharing their vision for a democratic future. Many have given their very lives to this noble purpose.

The United States and Israel must defend the aspirations of all people who long to be free. And with our unwavering support, we can help to make the promise of democracy a reality for the entire region. Thank you very much.

NORTH SAN DIEGO COUNTY AREA WATER RECYCLING PROJECT

HON. RANDY ''DUKE'' CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 2005

Mr. CUNNINGHAM. Mr. Speaker, I am introducing legislation today that will authorize the U.S. Bureau of Reclamation to continue to participate in the construction of the North San Diego County Area Water Recycling Project which also includes, as a new component, Phase II of the Olivenhain Water Treatment Plant. This project is very important in the overall water supply plan in my Congressional District and I am proud to offer this legislation that will assist in its further development.

The North San Diego County Water Recycling Project is a regional cooperative effort by the San Elijo Joint Powers Authority, the Leucadia County Water District, the City of Carlsbad and the Olivenhain Municipal Water District. When completed, the project will add up to 5 billion gallons annually to the San Diego region's local water supply. With years of drought, exploding growth rates and California's reduced intake of Colorado River water, this recycled water has become vital to the region and it is extremely important that the project is completed to its full potential.

In addition to the benefits to the San Diego County region, numerous federal objectives are advanced through the development of the North County Water Recycling Project. The project will directly reduce the surrounding region's demand for imported water from the environmentally sensitive California Bay/Delta and will help California live within its 4.4 million acre-feet allocation of water from the Colorado River. The project will also reduce the amount of effluent discharged into coastal waters and advance D.S./Mexico border environmental initiatives.

The legislation I offer today will increase the overall authorization ceiling for this project from $20 million to $35 million within the Bureau of Reclamation's Title XVI program. It is important to note that the majority of the funds necessary to construct this project are coming from local sources which represent a heavy financial burden on local agencies. Federal participation will help make this innovative water supply project a reality.

Mr. Speaker, I ask that this legislation be given prompt consideration.

HONORING MASTER SERGEANT JOSE M. LOPEZ

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 2005

Mr. GONZALEZ. Mr. Speaker, today I rise to honor a true American hero even though that title is far too often overused. Master Sergeant Jose M. Lopez of San Antonio passed away on May 16th of this year at the age of 94 which in and of itself is remarkable but even more so when one learns of this amazing man's story. Sgt. Lopez was the nation's oldest living Hispanic Medal of Honor winner for his valor during the Battle of the Bulge in World War II. Sgt. Lopez represents the best of us and stands as a shining example of selflessness and sacrifice.

Perhaps it should not be a surprise Sgt. Lopez distinguished himself in battle since he often told one of his granddaughters, June Pedraza, ''Fear is the one thing that will hold you back in life.'' Living that credo time and again throughout his life, Sgt. Lopez faced and overcame seemingly insurmountable odds. Born in Mexico in 1910, Sgt. Lopez's mother died when he was 8 leaving him an orphan since he never met his father. He then worked a series of hardscrabble jobs and eventually made his way to the Rio Grande Valley where a family took pity on him and let him sleep in their shed. Later, he rode trains across America and in Atlanta, a bigger man antagonized Sgt. Lopez until he fought and thoroughly whipped his larger opponent. Coincidentally, a boxing manager happened to see the incident unfold and realized potential even though it was packaged in a 5'5'', 130 lb. frame and began training Sgt. Lopez. Rechristened Kid Mendoza, he went on to a professional record of 52 wins and 3 losses and later recounted meeting Babe Ruth as the highlight of his career.

In 1936, Sgt. Lopez joined the U.S. Merchant Marines and later worked a number of other maritime jobs. Once, he found himself adrift on a cargo ship without food except for bananas. After the start of World War II, Sgt. Lopez enlisted in the Army and was among the troops who hit the beaches at Normandy a day after D-Day commenced. Sgt. Lopez was wounded as a bullet nicked his hip and as he told Bill Moyers in 1990 for a PBS documentary ''I was really very, very afraid. I wanted to cry, and we saw other people laying wounded and screaming and everything, and there's nothing you could do. We could see them groaning in the water, and we had to keep walking.'' And, he kept going despite his fears until he found himself at another of World War II's turning points, the Battle of the Bulge.

On December 17th, 1944 shortly after the sun rose, Sgt. Lopez and his troops in Company K were outside Krinkelt, Belgium when the Germans launched their last-ditch offensive which came to be known as the Battle of the Bulge. Patrolling in advance of Company K, Sgt. Lopez heard a tank which he assumed was Allied since a soldier hundreds of yards away failed to alert him otherwise. Carrying a Browning machine gun, he jumped into a shallow hole when he realized the tank was a German Tiger and the troops following it were German. Concerned for his men, he opened

fired even though he was exposed from the waist up. First, he killed the 10 soldiers arrayed around the tank. After the tank fired three shell blasts that knocked him over and left him concussed, Sgt. Lopez got to his feet again and cut down 25 more soldiers until he saw that the advancing Germans would soon outflank his position. He lugged his machine gun to a fall back spot and fired again. Officers witnessing the scene stopped counting when the death toll reached 100. After delaying the German onslaught for precious minutes, Sgt. Lopez dashed into the forest while dodging enemy fire until he rejoined the men he had saved. The American forces in Krinke1t burrowed in and forced the Germans to bypass the town.

His Medal of Honor citation commended his ''seemingly suicidal missions in which he killed at least 100 of the enemy . . . [and which] were almost solely responsible for allowing Company K to avoid being enveloped, to withdraw successfully and to give other forces coming up in support time to build a line which repelled the enemy drive.'' Despite his obvious valor, Sgt. Lopez remained a modest man who later told the San Antonio Express-News in 2001, ''You learn to protect the line and do the best you can with the ammunition you have, and I did it.''

Later, Sgt. Lopez served during the Korean War, and undertook a variety of jobs within the Army including overseeing a motor pool. He retired in 1973, yet continued to be physically active as he jogged until he was 88 and only gave up seeing a trainer three months ago. He was a committed family man whose beloved wife passed away in February of last year. As his son John Lopez said ''He was a great hero, without being a hero around his family.'' He is survived by five children, 19 grandchildren, and 10 great grandchildren.

This quintessential American story reaffirms my belief in our nation as a beacon for those willing to work and sacrifice to improve their lot in life no matter how meager and humble one's beginning may have been.

TRIBUTE TO THE NEW MICHIGAN CHAPTER OF JUSTICE FOR CHILDREN AND DIRECTOR, CHIP ST. CLAIR

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 2005

Mr. KNOLLENBERG. Mr. Speaker, today I join the people of the 9th Congressional District and the State of Michigan in announcing the opening of the Michigan Chapter of Justice for Children. JFC is the only nonprofit corporation formed to save at risk unprotected children who have been physically abused or neglected.

Justice for Children intervenes on behalf of abused children when child protection agencies and courts fail to protect them. They help children whose cases have been closed by Children's Protective Services before help has been provided and have no Court Appointed Special Advocate or who even with CASA support, are on the verge of being sent back to an abusive home.

Last year Mr. Chip St. Clair, a Rochester Hills resident, called the JFC National Office in Houston and said he wanted to make something good arise from his childhood of abuse and violence. Becoming a regional director for JFC fulfills that desire and the abused children of Michigan now have an ardent advocate to save them from the life he had to endure as a child.

Mr. St. Clair was a victim of terrible abuse at the hands of his father—Michael Grant—who was a convicted child murderer. That murder took place in 1970 in Indiana. Grant escaped from the Indiana State Penitentiary in 1973 with the aid of the woman who would become Chip's mother. St. Clair was born in 1975 and did not discover that his father was a murderer until 1998 when he was 23 years old.

''I emptied the glass which was full of horror stories of my childhood and began filling that glass with nobility and honor. Joining JFC and helping abused children represents a major step in the Journey of Justice which began on that fateful day in 1998,'' said St. Clair.

Justice for Children has been acclaimed by the American Bar Association, jurists from around the country, national television networks, news programs, and bipartisan congressional leaders for its work on behalf of abused and neglected children. Today we honor the Michigan Chapter of Justice for Children and Director, Chip St. Clair for their dedication to help abused and neglected children.

RECOGNIZING THE RETIREMENT OF RUSSIAN CHESS CHAMPION GARRY KASPAROV

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 2005

Mr. COX. Mr. Speaker, I wish to take a moment to honor the world's greatest chess player, Garry Kasparov, on the occasion of his retirement.

To chess enthusiasts around the world, Garry Kasparov's announced retirement from professional chess comes as an enormous disappointment. By the standards of international chess he is the greatest chess player of all time. His retirement at the relatively youthful age of 41 raises questions about unfulfilled possibilities. But given his legendary achievements, we can only stand in profound admiration. He is a true champion.

Throughout his career, Garry Kasparov has been a champion of human rights as well. He has been resolutely committed to the freedom of Russia and all of her citizens, and to the replacement of the grisly legacy of Soviet communism with genuine democracy, free speech, freedom of the press, religious liberty, and the rule of law. As chairman of Committee 2008: Free Choice, Mr. Kasparov is leading a natural coalition of concerned Russians dedicated to safeguarding democratic institutions in that country. It is a task worthy of his considerable ability.

Mr. Speaker, for over a decade I have had the privilege of calling Garry Kasparov a good friend. I know that everyone in this chamber shares with me their good wishes for his continued success, of gratitude for all that he has given of himself and to make the world a better place.

HONORING JOHN REX DE VLAMING, JR.

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 2005

Mr. HENSARLING. Mr. Speaker, today, I would like to honor the memory of John Rex de Vlaming, Jr. who passed away earlier this year at the age of 85. A distinguished Navy veteran of World War II, John was instrumental in organizing and planning the Kaufman County Veteran's Memorial Park currently under construction in Kaufman.

John was a lifetime member of the Veterans of Foreign Wars (VFW) and the American Legion, serving as the Post Commander of the Kaufman VFW from 1976–1978, and later as Post Commander of the American Legion, Hamlet P. Jones Post #165 from 1981–1986. In 1990, John earned the Meritorious Service Award from the American Legion, and in 1997, he was recognized by the VFW for his 55 years of membership.

President Calvin Coolidge once said, ''The nation which forgets its defenders will itself be forgotten.'' As a veteran, John understood that better than most Americans, and throughout his life he did his very best to ensure that our nation never forgets the sacrifices that our soldiers, sailors, marines and airmen made to defend our freedom.

As the Congressional representative for the Fifth District of Texas, today I would like to honor the life of John Rex de Vlaming, Jr. and the outstanding work he did on behalf of our nation's veterans.

60TH ANNIVERSARY OF THE DISAPPEARANCE OF RAOUL WALLENBERG

TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 2005

Mr. LANTOS. Mr. Speaker, later this week, the distinguished Swedish Ambassador to the United States, His Excellency Jan Eliasson, will give a briefing to members of the Congressional Human Rights Caucus on the life-saving humanitarian work of Swedish citizen Raoul Wallenberg.

Mr. Speaker, this is a particularly appropriate time for us to recall Wallenberg's sacrifices to serve his fellow man. Earlier this month, we celebrated the 60th anniversary of the end of World War II in Europe, and shortly before that we marked Yom HaShoah, the Day of Holocaust Remembrance. In January the United Nations General Assembly held an extraordinary session to mark the 60th anniversary of the liberation of Auschwitz and other Nazi concentration camps during World War II.

This year also marks the 60th anniversary of the disappearance of Raoul Wallenberg. After courageously saving the lives of tens of thousands of people in Budapest during the Holocaust, Wallenberg was arrested by Soviet troops in January 1945 and disappeared into the Soviet gulag. His action during the Holocaust in Hungary led the Israeli Knesset to bestow upon him the title ''Righteous Among the Nations'' (''Righteous Gentile'').

Born in August 1912 in Stockholm, Sweden, Raoul Gustav Wallenberg, could have lived out his life in luxury and relative obscurity as a member of one of Sweden's most prominent families. At the University of Michigan in 1935, he earned a bachelor's degree in architecture with honors, as well as a medal for his outstanding academic record. After returning to Sweden from America, he worked for the family business selling building supplies in South Africa, and he worked in a bank in Haifa, in what is now Israel.

In Haifa on the eve of World War II, he met many Jews who had escaped the horrors of Hitler's Germany, and he became an impassioned defender after hearing tales of horror under the Fascist state.

In March 1944, Mr. Speaker, the Germany army invaded Hungary, and Adolf Eichmann arrived in Budapest to supervise the deportation of Hungarian Jews to the Nazi death camps. At the request and with the support of the United States government, Raoul Wallenberg arrived in Budapest in June of 1944. Over the following six months, he became a legend at saving Jewish lives, and his remarkable heroism and creative efforts are now repeated with respect and awe around the world.

When the Soviet Army finally liberated Budapest in January 1945, Wallenberg believed, or at least hoped, that he was finally safe, and he went to the headquarters of the Soviet military command in eastern Hungary to report on conditions in Budapest and to ask for food and medicine for the surviving victims. The Soviet officers did not believe his story. They were convinced that he was an American spy. He was arrested on January 17, 1945, and he has never been officially heard from since that day.

Mr. Speaker, the Russians have never provided a full and complete account of the disappearance of Wallenberg. Numerous sightings of him within the brutal Soviet gulag were reported for decades after his untimely disappearance in Hungary. These sightings raise serious doubts about the official Soviet position that he died of a heart attack in a prison near Moscow in 1947.

In February of this year, 2005 the Israeli Knesset honored Wallenberg by officially granting him the title of ''Righteous Among the Nations'' (''Righteous Gentile''). President Moshe Katzav and Prime Minister Ariel Sharon spoke with great eloquence about his heroic and selfless actions. Many close family members were present for the wonderful event honoring this great man.

Last October, the city of San Francisco in my congressional district extended honorary citizenship to Wallenberg, just as the United States by Act of Congress did 23 years earlier. Raoul Wallenberg is the second person after Sir Winston Churchill to receive honorary United States citizenship. His bust, which was placed in the United States Capitol Building, is seen by tens of thousands of visitors to our Capitol every year.

Mr. Speaker, as we mark the 60th anniversary of the triumph of the democracy and freedom over Nazi brutality and horror, I invite my colleagues to join with me in commemorating the heroic actions of Raoul Wallenberg. His gift to the world is not merely the tens of thousands of lives he saved, but as important is the inspiration he is to so many people around the world.

TRIBUTE TO STEVEN SIYI HAO

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 2005

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise today to recognize Steven Siyi Hao for his prize winning entry in the 56th Intel International Science and Engineering Fair.

Last week, over 1,400 pre-college students participated in the Intel International Science and Engineering Fair in Phoenix. Students from several countries submitted entries in hopes that they would win a portion of the $3 million in scholarships, tuition grants, internships and scientific field trips given away. This annual competition awarded six of nine Bay Area students for their entries, three of whom reside in San Jose.

Steven is a 17 year old student from Silver Creek High School. His project titled, ''The Effects of Oxidative Damage on Protein Translation Efficiency'' studied the negative effects of oxygen-free-radicals on protein production and DNA. His entry won him a paid summer internship at an Agilent Technologies site.

The Intel International Science and Engineering Fair promotes education and creativity in a way that is vital to a youth's development. These types of activities encourage students to explore the fields of science and engineering. This kind of innovation will drive the United State's economy into the future. Being from Silicon Valley, I fully understand the importance and impact that these studies have on America's prosperity.

I am proud to stand here today and recognize Steven for his accomplishments. I urge him and youth alike to continue to take interest in these fields, and lead the United States in its development of science and engineering exploration.

LIVING WORD BAPTIST CHURCH MEMORIAL SERVICE IN HONOR OF SERVICE MEN AND WOMEN, PRESENT AND PAST

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 2005

Mr. BURGESS. Mr. Speaker, and so it was said by Pericles, the Athenian leader some 24 centuries ago, ''Not only are they commemorated by columns and inscriptions, but there dwells also an unwritten memorial of them, graven not on stone but in the hearts of men.''

Those words resonate true today as they did centuries ago. Above all, I am awed by a greater sense of pride and appreciation for our fallen soldiers and those serving abroad. We approach this day with solemn affirmations of the sacrifices of our brave men and women, and in celebration for every joy and freedom bestowed to us from the Almighty.

This day was born of human necessity and the answer to an overwhelming desire to honor those who have given the ultimate sacrifice so that we may live not with fear, but with hope. No matter where he or she has served, a soldier stands in place for you, for me, for us as a country and for freedom everywhere.

May they always be honored for their commitment and respected for their bravery. For the stance taken by each man and woman is written down in the archives of history. The stories and memories shape our vision of the world and provide footsteps for future generations.

Bow one head; say one prayer; lay one flower; remember one soldier; and may we all give thanks to God and honor Veterans today.

HONORING ALLISON MORGAN AND HER FOURTH GRADE CLASSMATES AT THE CRANBERRY PINES SCHOOL IN MEDFORD, NJ

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 2005

Mr. ANDREWS. Mr. Speaker, I recently visited the Cranberry Pines School in Medford, NJ, where I met with a group of exceptional fourth graders. They expressed to me their interest in saving wild horses from being slaughtered. One exceptional young girl, Allison Morgan, wrote me a letter about this issue which I have included below. I encourage my colleagues in Congress to support this important cause.

DEAR CONGRESSMAN ANDREWS, Lately, I've been hearing things on the news about how so many wild horses are being slaughtered. You probably know that. You probably also know that millions of people are concerned. Well, I'm one of those people. I think wild horses deserve some help. Let's make laws to save these spectacular creatures. Horses have rights, too!

There are many reasons why we should protect the wild horses. First, the wild horses have helped us in many ways. We rode them in wars, and they helped us win those wars. Also, Paul Revere rode a horse to warn us if the British were coming by land or sea. If he had to walk, he'd be too late for his message to matter. In addition, horses helped us get mail across the country in the Pony Express. They helped people all over the country communicate. Last, horses helped us get places. Without them, we'd have to walk a long way.

Besides for helping us, horses deserve to be saved for another reason. That reason is that they are animals too; they deserve rights. First, horses never did things that annoyed us. We kill these poor, innocent creatures. Second, do you think animals want to die? Well, they don't; do you? Third, we treat horses like dust in the wind. I bet you don't want to be dust in the wind. Last, how would you like it if horses started slaughtering us?

We've treated the wild horses horribly for so long, now they are in danger of becoming extinct. First, people sometimes kill wild horses just for fun. Next, in 1860 we had two million wild horses. By 1970 there were only 17,000 left. The horse population dropped dramatically then, it might do the same now. Last, ranchers use wild horses to round up cattle. Wild horses round up their herd all the time, so rounding up cows is easy for them. They can guess where a cow will move before it even turns. Domestic horses don't have that ''cow sense.''

Horses are amazing animals and deserve to live. Without them, so many things would be different. So please, make laws to save these amazing animals—the wild horses.

Sincerely,

ALLISON M. MORGAN.

TRIBUTE TO PETE REYES

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 2005

Mr. BACA. Mr. Speaker, Mr. COSTA and I rise to pay tribute to Mr. Pete Reyes, who is being honored this weekend as an Eagle Award winner by the Adelante foundation. Mr. Reyes is an individual of great distinction, and we join with family and friends in honoring his remarkable achievements and expressing great pride in the honor that is to be bestowed on him.

Mr. Reyes has devoted his life to helping students through his chosen profession in education. He has been an incredible resource to the Clovis Unified School District and continues to work every day to improve the school community.

For the past 38 years, Mr. Reyes has dedicated himself to educating the young minds of tomorrow and is currently serving the Fancher Creek Elementary School as Principal. In this capacity, he has been an integral contributor to the management and administration of the school, as well as leading the school to numerous awards in excellence in performance.

Through his tenure as an educator, Mr. Reyes has exhibited kindness, love, humility, and a deep resolve to ameliorate all aspects of community life, so it is only appropriate that he receive this award from Adelante.

We join with family and friends in thanking him for his 38 years of service. He is a symbol of all that is good in his profession and an inspiration to all that know him.

And so, Mr. Speaker, we salute Mr. Pete Reyes. We express admiration in his career and hope that others may recognize his good works in the community.

IN RECOGNITION OF LINCOLN PARK HIGH SCHOOL

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 2005

Mr. EMANUEL. Mr. Speaker, I rise today in proud recognition of Lincoln Park High School, recently selected by Newsweek Magazine as one of America's best high schools.

Lincoln Park High School, formerly named Robert A. Waller High School, has served the students and families of Chicago's North Side for over 100 years. Lincoln Park High School provides its students with exciting opportunities for academic, athletic and artistic growth, while instilling values that will serve its students throughout their lives.

The students at Lincoln Park High School have established an impressive record of academic achievement. Eighty-seven percent ofthe school's 2004 graduates enrolled in a college or university. Lincoln Park High School currently has 8 National Merit Semi-Finalists in 2005, and has had more National Merit Semi-Finalists over the last 15 years than all other Chicago Public Schools combined.

Students at Lincoln Park High School enjoy the support of strong parent and alumni associations which take an active role in over 60 extra curricular activities and clubs. Community partnerships with institutions such as Children's Memorial Hospital, Charlie Trotter's Restaurant and the Lincoln Park Zoo also provide learning opportunities outside of the classroom in a wide range of disciplines.

These activities and experiences teach students the importance of academic achievement while also providing a balanced perspective on life that promotes responsibility, justice and social service.

Mr. Speaker, Lincoln Park High School is a shining example of public education at its best. I am proud of the students, faculty and families of Lincoln Park High School and I wish them continued success in the coming years.

TRIBUTE TO TERIK DALY

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 2005

Ms. LOFGREN. Mr. Speaker, I rise today to recognize Terik Daly for his prize winning entry in the 56th Intel International Science and Engineering Fair.

Last week, over 1,400 pre-college students participated in the Intel International Science and Engineering Fair in Phoenix. Students from several countries submitted entries in hopes that they would win a portion of the $3 million in scholarships, tuition grants, internships and scientific field trips given away. This annual competition awarded six of nine Bay Area students for their entries, three of whom reside in San Jose.

Terik is a 15-year-old student from Oak Grove High School. His project titled, ''The Derivation and Interpretation of Geochemical Ratios Generated by Meteoritic Impact'' derived meteor composition by examining chemical composition of granite before and after impact. His entry won him a fourth-place prize ($500) in earth science; $8,000 tuition scholarship from Office of Naval Research (on behalf of U.S. Navy and Marine Corps).

The Intel International Science and Engineering Fair promote education and creativity in a way that is vital to a youth's development. These types of activities encourage students to explore the fields of science and engineering. This kind of innovation will drive the United State's economy into the future. Being from Silicon Valley, I fully understand the importance and impact that these studies have on America's prosperity.

I am proud to stand here today and recognize Terik for his accomplishments. I urge him and youth alike to continue to take interest in these fields, and lead the United States in its development of science and engineering exploration.

IN HONOR OF MATTHEW W. FREEMAN

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 2005

Mr. BURGESS. Mr. Speaker, I rise today to pay tribute to a man, like so many others in our Nation, who were truly American: Matthew Walden Freeman.

Although I did not personally know Midshipman Matthew Freeman, I knew of his valor and patriotism. His passing is somberly remembered by those who knew him best. A senior at the U.S. Merchant Marine Academy in New York, Matt had shown a dedication to service his entire life. A graduate of Ryan High School in Denton, Matt was honored to be awarded status as an Eagle Scout.

While Midshipman Freeman was not activated, he was a reservist and served as Navy Second Class. During his time at the Academy, Midshipman Freeman devoted time and effort into helping others. The Superintendent of the U.S. Merchant Marine Academy (USMMA) issued an Academy Achievement Ribbon for Meritorious Service to Matt for his waterborne rescue and relief efforts following the terrorist attack on the World Trade Center in New York City. As an Emergency Medical Technician (EMT) Matt interfaced with the midshipmen volunteers who manned Academy vessels used to ferry firefighters, rescue personnel and emergency equipment throughout New York Harbor in support of the New York City Fire Department's emergency operations. He personally participated in three watch tours and spent over 40 hours on the scene. As an EMT, he provided first-aid services to firefighters working ashore near the disaster and to midshipmen rescue personnel traveling aboard Academy vessels. He also helped manage the EMT watch throughout the Academy's operation and assisted with their blood drive on 9/11.

Along with the 89 other midshipmen participants, he displayed the highest levels of leadership, professionalism and compassion and served as an inspiration to his peers during the difficult days of the rescue and recovery operation. Through his unselfish service, Midshipman Freeman brought great credit to the Regiment of Midshipmen during a time on national crisis and served as role model to his fellow midshipmen, the 4th class in particular. His actions were in keeping with the highest traditions of the Regiment of Midshipmen and the USMMA. He received a citation for outstanding performance in support of Operation Guarding Liberty, following the attack on WTC.

Today, we honor Matt Freeman for his commitment to America. I want you to know, on behalf of a grateful Nation, we say, ''Thank you.'' He will always be remembered for his kindness and generosity to others, and may he serve as a role model for others in the future.

TRIBUTE TO COACH JOE SOLTERO

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 2005

Mr. BACA. Mr. Speaker, Mr. COSTA and I rise to pay tribute to Coach Joe Soltero who has coached Little League in Delano, CA for over 37 years. By receiving the Adelante Eagle Award, Coach Soltero is being recognized for his years of selfless service to his community and it gives us great pleasure to acknowledge his years as a coach and mentor to the students of Delano.

Coach Soltero is an exceptional individual who has not only devoted his life to helping the Delano community at-large but has also

been an important pillar of support for generations of children. His kindness and passionate spirit render him a vital resource and a beloved member of his community.

As a little league coach, he instilled the values of teamwork, dedication and perseverance. He is an inspiration to those who know him and influenced countless people with his work ethic and love of teaching. He has been an integral contributor to his community, as well as an active participant and positive influence on the lives of his little league players.

During his 30-plus years, Coach Soltero has played in 16 championships, winning 12 of them. He taught the values of sportsmanship and winning humbly.

And so, Mr. Speaker, we salute Coach Joe Soltero. We join with family and friends in honoring his incomparable accomplishments and congratulate him on this well-deserved award.

SUPPORTING THE GOALS AND IDEALS OF PEACE OFFICERS MEMORIAL DAY

SPEECH OF

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 16, 2005

Mr. EMANUEL. Mr. Speaker, I rise today in strong support of H. Res. 266, Supporting the Goals and Ideals of Peace Officers Memorial Day. Police officers make extraordinary sacrifices in fulfilling their mission to serve and protect, and I am pleased to join my colleagues in saying thank you to Peace Officers Memorial Day. I am privileged to know many fine police officers including my Uncle Les, a dedicated and long time officer with the Chicago Police Department.

The heroism of our nation's police officers can be seen both in their responses to emergencies and in their everyday work serving our neighborhoods. In Chicago, the fine work done by the police department has reduced crime in almost every category in the past year, bringing serious crimes to a 13 year low and homicides to a historic 38 year low.

Police departments across the country continue to play an important role in building and maintaining stable, safe communities. The Chicago Police Department assists with community policing programs and plays an important role in youth counseling and recreation programs to help at-risk teenagers reach their full potential as contributing members of society.

In 2004, 153 peace officers nationwide gave their lives in the protection of our families and communities. The death of any police officer is a tragedy and a loss felt deeply in our communities. I join with my colleagues in honoring the memory and sacrifices of these heroes, and I applaud the continued service of law enforcement officers and all public safety workers who face danger every day while protecting our streets, our schools, and our communities.

Mr. Speaker, we have a responsibility to support our nation's law enforcement officers and supply them with the tools and resources they need to ensure their safety and ours. I am proud to join my colleagues today in honoring the contributions of our nation's peace officers, and I ask that my colleagues join me in working to provide sufficient support to the 87,000 heroes who make up our nation's local law enforcement community.

TRIBUTE TO DAVID I. MARASH–WHITMAN

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 2005

Ms. LOFGREN. Mr. Speaker, I rise today to recognize David I. Marash-Whitman for his prize winning entry in the 56th Intel International Science and Engineering Fair.

Last week, over 1,400 pre-college students participated in the Intel International Science and Engineering Fair in Phoenix. Students from several countries submitted entries in hopes that they would win a portion of the $3 million in scholarships, tuition grants, internships and scientific field trips given away. This annual competition awarded six of nine Bay Area students for their entries, three of whom reside in San Jose.

David is a 13-year-old student from Kehillah Jewish High School. His project, titled "Design for Biodegradation: Harnessing Natural Decay by Managing Physical and Chemical Dynamics" investigated optimal nitrogen-carbon ratios, moisture and aeration for increasing the rate and total degradation of compost. His entry won him a second-place prize ($1,500) in environmental sciences.

The Intel International Science and Engineering Fair promotes education and creativity in a way that is vital to a youth's development. These types of activities encourage students to explore the fields of science and engineering. This kind of innovation will drive the United States' economy into the future. Being from Silicon Valley, I fully understand the importance and impact that these studies have on America's prosperity.

I am proud to stand here today and recognize David for his accomplishments. I urge him and all youth alike to continue to take interest in these fields, and lead the United States in its development of science and engineering exploration.

HONORING THE CIRCLE OF HOPE AWARD NOMINEES

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 2005

Mr. BURGESS. Mr. Speaker, I rise today to recognize the service and commitment of Sherry Davidoff, Morgan Harvard and Julianna Tisdale. These individuals have shown great dedication and loyalty in mentoring and making a difference to those in need of it most.

Ms. Davidoff, Ms. Harvard, and Ms. Tisdale were recently honored by The Colleyville Woman's Club at the annual Youth Volunteer Service Awards with the Circle of Hope Award. This prestigious award recognizes youth who have demonstrated laudable public service throughout their community. The selfless way in which they serve as mentors and volunteers speaks volumes to their loyalty and adherence to better assist those who require it most. It is the noble efforts of individuals such as the aforementioned that improve our community and strengthen America.

It is with great honor that I stand here today to recognize these ladies who have dedicated their young lives to assisting others. Their contribution and services should serve as an inspiration to others in their field and those who wish to make a positive difference in the lives of others.

30TH ANNIVERSASRY OF ALU LIKE, INC.

HON. ED CASE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 2005

Mr. CASE. Mr. Speaker, I take this opportunity to recognize and congratulate a remarkable organization, Alu Like, Inc., as it marks its 30th anniversary of service to my Hawai'i's Native Hawaiian community.

Alu Like, which means "striving (working) together," was established in 1975 to promote social and economic self-sufficiency among Native Hawaiians. The organization was given its name by kupuna Mary Kawena Pukui, and its motto, "E alu like mai kākou, e nā 'ōiwi o Hawai'i" (Let us work together natives of Hawai'i), by kupuna Edith Kanaka'ole.

Now with 238 employees located throughout the State of Hawai'i (Hawai'i, Kaua'i, Lāna'i, Maui, Moloka'i, and O'ahu), it has grown into one of Hawai'i's most successful service agencies and has been instrumental in improving the quality of life for our Native Hawaiian community from early childhood to kūpuna (elderly) programs. These include a range of services and activities such as economic development, business assistance, employment preparation, training, library services, and educational and childcare services for families with young children, all tailored to the specific often unique, needs of Hawai'i's indigenous people. Current services include: Ho'okahua—Early Childhood; Ho'olōkahi—High Risk Reduction; Ho'omānea 'Ōiwi—Education and Employment; Ka Ipu Kā'eo—Education and Training; Kūlia Like—Financial Literacy and Kumu Kahi—Elderly Services.

Throughout its thirty years, Alu Like has served more than 100,000 people, and continues to form strong partnerships with other service providers. To increase its outreach to our community, Alu Like has also worked closely and collaboratively to expand its commitment to education and language preservation through its Native Hawaiian Library and to community service through its AmeriCorps Project.

As always, the success of any organization requires strong and sustained leadership from its staff and board of directors, and Alu Like has benefited greatly from a whole generation of such leaders. These include its visionaries—Myron "Pinky" Thompson, Alvin Shim, James Bacon, Yukio Naito, David Peters, and Winona Ellis Rubin—and directors over the years, as well as its Presidents/CEOs, who have included: Winona Ellis Rubin, Myron "Pinky" Thompson, David Helela, Masaru Oshiro, S. Haunani Apoliona, and Tara Lulani Arquette.

Under the current leadership of Mervina K.M. Cash-Kaeo, President/CEO, I have every

confidence that Alu Like will continue to be a leading service organization in its promotion of social and economic self-sufficiency for all Native Hawaiians. But today is a time for us simply to reflect on the great success of our Alu Like 'ohana (family), all of whom deserve our praise and commendation for a job truly well done.

Mahalo, and aloha!

IN HONOR AND MEMORY OF SPECIALIST STEVEN RAY GIVENS

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 2005

Mr. BONNER. Mr. Speaker, just over ten days ago the First Congressional District of Alabama and indeed, our entire state and nation, said goodbye to another casualty of war in Iraq.

Army Specialist Steven Ray Givens, a native of Houston, Texas, and a longtime resident of Mobile, Alabama, had recently volunteered for a second tour of duty in Iraq after having already completed an earlier l4-month tour. Steven, a member of the Third Infantry, Third Brigade, of Fort Benning, Georgia, returned to Iraq in mid-January, 2005, and had planned to make a career with the Army. Unfortunately, on May 8, 2005, he was fatally wounded during an attack by Iraqi insurgents.

During his career with the Army, Steven set a standard of excellence and displayed the qualities of discipline, devotion, and dedication to country that are the hallmarks of men and women throughout the long and distinguished history of the American military.

While serving his country with all his ability, Steven also showed great concern and charity for those he fought to liberate, frequently asking his friends and family back at home to send toys and snacks for the children in Iraq. As he left for his second tour he told his family, ''I can do something,'' and he truly did. This dedication to devote his life to serving his country and his concern and charity towards the children are a telling sign of what kind of man Steven was. This young man has shown America and the world the values and ideals our great country stands for.

It is appropriate for us to pause and thank God that there are still young men like Steven, whose life personified the very best America has to offer.

Mr. Speaker, as you can imagine, south Alabama is truly morning the loss of this fine young man. I urge my colleagues to take a moment to pay tribute to Army Specialist Steven Ray Givens and his selfless devotion to not only our country and the freedom we enjoy, but to a people who are in the infant stages of a new life—a new freedom—in their own land.

We should remember his wife, Cayssia Givens, and his two-year-old son, his parents, Joyce and Mike McDuffie, and his other family members and many friends. Our prayer is that God will give them all the strength and courage that only He can provide to sustain them during the difficult days ahead.

IN SPECIAL RECOGNITION OF DANIEL R. BORCHERDT ON HIS APPOINTMENT TO ATTEND THE UNITED STATES MILITARY ACADEMY AT WEST POINT

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 2005

Mr. GILLMOR. Mr. Speaker, it is my great pleasure to pay special tribute to an outstanding young man from Ohio's Fifth Congressional District. I am happy to announce that Daniel R. Borcherdt of Archbold, Ohio has been offered an appointment to attend the United States Military Academy at West Point, New York.

Daniel's offer of appointment poises him to attend the United States Military Academy this fall with the incoming cadet class of 2009. Attending one of our nation's military academies is an invaluable experience that offers a world-class education and demands the very best that these young men and women have to offer. Truly, it is one of the most challenging and rewarding undertakings of their lives.

Daniel brings an enormous amount of leadership, service, and dedication to the incoming class of West Point cadets. While attending Archbold High School in Archbold, Ohio, Daniel has attained a grade point average of 3.80, which places him near the top of his class of more than one hundred students. While a gifted athlete, Daniel has maintained the highest standards of excellence in his academics, choosing to enroll and excel in Advanced Placement classes throughout high school. In addition, Daniel has earned awards and accolades as a scholar and an athlete.

Outside the classroom, Daniel has distinguished himself as an excellent student-athlete. On the fields of competition, Daniel has excelled in Varsity Basketball where he was selected as First-Team All Ohio. Daniel's dedication and service to the community and his peers has proven his ability to excel among the leaders at West Point. I have no doubt that Daniel will take the lessons of his student leadership with him to West Point.

Mr. Speaker, I ask my colleagues to join me in congratulating Daniel R. Borcherdt on his appointment to the United States Military Academy at West Point. Our service academies offer the finest military training and education available anywhere in the world. I am sure that Daniel will do very well during his career at West Point and I ask my colleagues to join me in wishing him well as he begins his service to the nation.

FDA AND GENETICALLY ENGINEERED FOODS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 2005

Mr. KUCINICH. Mr. Speaker, I wish to bring the following article to the attention of my colleagues. We must continue to challenge the FDA's assumption that all genetically engineered food is safe.

[From the Independent, May 22, 2005.]

REVEALED: HEALTH FEARS OVER SECRET STUDY INTO GM FOOD

(By Geoffrey Lean)

Rats fed on a diet rich in genetically modified corn developed abnormalities to internal organs and changes to their blood, raising fears that human health could be affected by eating GM food.

The Independent on Sunday can today reveal details of secret research carried out by Monsanto, the GM food giant, which shows that rats fed the modified corn had smaller kidneys and variations in the composition of their blood.

According to the confidential 1,139-page report, these health problems were absent from another batch of rodents fed non-GM food as part of the research project.

The disclosures come as European countries, including Britain, prepare to vote on whether the GM-modified corn should go on sale to the public. A vote last week by the European Union failed to secure agreement over whether the product should be sold here, after Britain and nine other countries voted in favour.

However, the disclosure of the health effects on the Monsanto rats has intensified the row over whether the corn is safe to eat without further research. Doctors said the changes in the blood of the rodents could indicate that the rat's immune system had been damaged or that a disorder such as a tumour had grown and the system was mobilising to fight it.

Dr. Vyvyan Howard, a senior lecturer on human anatomy and cell biology at Liverpool University, called for the publication of the full study, saying the summary gave ''prima facie cause for concern''.

Dr. Michael Antoniu, an expert in molecular genetics at Guy's Hospital Medical School, described the findings as ''very worrying from a medical point of view'', adding: ''I have been amazed at the number of significant differences they found [in the rat experiment].''

Although Monsanto last night dismissed the abnormalities in rats as meaningless and due to chance, reflecting normal variations between rats, a senior British government source said ministers were so worried by the findings that they had called for further information.

Environmentalists will see the findings as vindication of British research seven years ago, which suggested that rats that ate GM potatoes suffered damage to their health. That research, which was roundly denounced by ministers and the British scientific establishment, was halted and Dr. Arpad Pusztai, the scientist behind the controversial findings, was forced into retirement amid a huge row over the claim.

Dr. Pusztai reported a ''huge list of significant differences'' between rats fed GM and conventional corn, saying the results strongly indicate that eating significant amounts of it can damage health. The new study is into a corn, codenamed MON 863, which has been modified by Monsanto to protect itself against corn rootworm, which the company describes as ''one of the most pernicious pests affecting maize crops around the world''.

Now, however, any decision to allow the corn to be marketed in the UK will cause widespread alarm. The full details of the rat research are included in the main report, which Monsanto refuses to release on the grounds that ''it contains confidential business information which could be of commercial use to our competitors''.

A Monsanto spokesman said yesterday: ''If any such well-known anti-biotech critics had doubts about the credibility of these studies

they should have raised them with the regulators. After all, MON 863 isn't new, having been approved to be as safe as conventional maize by nine other global authorities since 2003.''

THE 85TH BIRTHDAY OF HELEN COLLINS FOOTE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 2005

Mr. STARK. Mr. Speaker, Mr. HOYER and I rise today to honor Helen Foote, a woman of faith, family, a selfless spirit and infectious laughter.

Ms. Foote was born to the late Reverend Benjamin Collins and Henrietta Collins in South River, Maryland. One of eight children, Helen received her education in a one-room school and spent her free time like most children, fishing, hunting and picking apples from the trees in a nearby orchard. On Sundays, Helen and her cousins spent time learning the art of playing the piano. It was here, during those lessons, her already well-known laughter earned her the nickname ''KeeKee'' embodying the sound of her continuous and infectious laugh.

As she grew up, Ms. Foote developed a reputation for spreading joy both through her laugh and through her altruistic nature. Whether helping wallpaper her parent's bedroom, caring for her ailing mother or donating her time to her church, Helen Foote was the very model of selfless dedication. In fact, her benevolence eventually led Hope Memorial St. Mark United Methodist Church to name her Mother of the Year in 2004. And as a mother of five daughters, one stepdaughter, 10 grandchildren, 5 step-grandchildren, 9 great-grandchildren, 6 step-great-grandchildren and 1 great-great-grandchild, that award was well-earned.

The daughter of a Reverend, religion always remained a pivotal aspect of Ms. Foote's family life. At a young age she attended Chews United Methodist Church in Owensville, Maryland. In her later years she became a member of Hope Chapel now referred to as Hope Memorial St. Mark United Methodist Church. It was here Ms. Foote served as a Communion Steward, an Usher and a member of the United Methodist Women.

Today you can still find Ms. Foote doing the things she loves best: working in her yard, cooking meals for her family, rooting for her beloved Baltimore Orioles, and, occasionally, wallpapering a bedroom.

Helen Foote is truly a blessing to all she encounters. She is an inspiration, a foundation for the young and dedicated, and a distinguished and divine family woman. Helen Foote is truly a woman of strength and I am honored to rise today and honor her in this Congress.

THE FAIR LAND TRANSFER COMPENSATION ACT OF 2005

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 2005

Ms. NORTON. Mr. Speaker, today I am introducing the Fair Land Transfer Compensation Act, a bill for fee simple transfer of certain federal lands to the District of Columbia to provide partial in-kind compensation for the federally imposed structural balance documented in a 2003 GAO report to be ''between $470 million and up to more than $1.1 billion.'' My bill would transfer 65.73 acres of land in Southeast Washington, D.C. known as Reservation 13 and the parcel known as Poplar Point, also in Southeast. The bill introduced today would assist in providing the compensation that would be authorized by H.R. 1586, the Fair Federal Compensation Act (FFCA) introduced by the bipartisan House regional delegation and me in April. The FFCA would authorize an annual federal contribution of $800 million (to increase annually with the consumer price index) to partially compensate the city and relieve a dangerous structural imbalance.

The extensively documented GAO report confirming exclusive federal responsibility for the District's structural imbalance and the bipartisan sponsorship of the FFCA demonstrate the need for federal action. However, neither the administration nor the Congress has responded, despite the District's continuing apprehension and repeated introduction of the FFCA. Today's bill providing valuable land to partially compensate the District would mark the first significant federal response to the FFCA.

The District of Columbia has had administrative control of Reservation 13, a GSA property, for 150 years and has used the parcel for the D.C. General Hospital, the District of Columbia jail, and other public facilities. Poplar Point is a strip of land owned by the National Park Service but has never been developed for use as a park.

The transfer authorized in this bill has several advantages for the District and for the federal government: an immediate benefit in partial payment that the District has long sought from the federal government to compensate the city for the structural imbalance; satisfaction, through the transfer of valuable federal land, of some of the responsibility the GAO reports that the federal government bears for the District's structural imbalance; the highest and best use for underused land that the District desires for mixed uses that are unavailable if the District continues to have administrative control but not ownership; a continuing revenue stream in the nature of an annual contribution from investments the District will be able to attract following transfer of the land; and compliance with the Federal Property Act (FPA) requirement that the federal government receive value for the transfer. The bill requires an appraisal and estimates of the financial benefit to the District that are necessary to determine the extent to which the bill would reduce the federal government's responsibility for the structural deficit.

The federal government has never used the parcels in my bill, and has no intention of doing so. At the same time, the District is unable to get value from this strategically located land in the city. Achieving maximum use of available sites located in the nation's capital, where the federal government owns and occupies the most valuable land, is essential to maintaining the financial stability of the District of Columbia.

This bill would compensate the District for some of the costs responsible of the structural imbalance which include the federal removal from the tax rolls of more than 40 percent of District's land for federal and other purposes; services provided by the District to 200,000 federal employees, notwithstanding a ban on taxation of commuters, most of whom are federal employees; and the District's responsibility for several state costs, although the city is not a state and lacks the broad tax base of a state.

The costs to the District to cover this structural deficit are unsustainable. Among the most serious are the city's debt service, the highest in the country; its taxes, among the highest; and deferral of major capital improvements for vital facilities such as schools and for roads, a major factor inhibiting economic and population stability and growth.

The existence, source and danger of the structural deficit imposed by federal mandates have been fully acknowledged and are no longer debatable. In addition to the definitive GAO report and the findings of the District's Chief Financial Officer, the details are reported in two other studies (McKinsey, March 2002, requested by the Federal City Council consisting of regional business representatives; and Brookings, October 2002, led by Alice Rivlin, former director of the CBO and of the OMB).

According to the GAO, the only available options to eliminate the federally imposed deficit are ''to expand the District's tax base or to provide additional financial support.'' The bill I introduce today will ''expand the District's tax base,'' creating a continuing revenue stream because ownership will allow the District to get the highest and best use of valuable land through its own development initiative. I ask that the House begin the process of compensating the District for the federal deficit carried by the city by enacting the Fair Land Transfer Compensation Act.

A TRIBUTE TO RABBI LEONARD AND MRS. CAROLYNNE GUTTMAN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 2005

Mr. TOWNS. Mr. Speaker, I rise today to recognize the National Council of Young Israel Shofar Award recipient Rabbi Leonard Guttman and his wife, Carolynne, and pay tribute to their involvement and commitment to the Young Israel movement and to worldwide Jewry.

Rabbi Leonard B. Guttman Esq. is an Assistant Vice President for Intergovernmental Relations at the New York City Health and Hospitals Corporation, the largest public health system in the United States. His prime responsibility is to serve as an advocate in Washington for New York's publicly funded hospitals and its over 1.3 million patients. While new to the Young Israel Ohab Zedek of North Riverdale-Yonkers, in 1988–1989 he worked at the National Council of Young Israel where one of his responsibilities was serving as editor of the Young Israel Viewpoint. He has also been an adjunct Professor at the Borough of Manhattan Community College and Touro College and an Assistant Commissioner of the New York City Department for the Aging. From 1994–1996, he served as First Deputy Commissioner/General Counsel at the New York

City Commission for the United Nations and Consular Corps. He often worked behind the scenes to help Israel and Jewish individuals who are suffering.

Rabbi Guttman is active in a vast array of non-profit organizations. Among these activities, he serves on the Board of the American Friends of the Sanz Laniado Medical Center (Netanya, Israel), which awarded him and his wife its Community Service Award in May 2000, and also on the board of the Metropolitan Council of the American Jewish Congress. Since 1997, Rabbi Guttman has quietly taught a Torah class at the United Nations for its Judaica Club. He has published articles in Midstream, New York Affairs, Congress Monthly and The Jewish Press on issues as varied as the Holocaust, Islam and Jewish and Communal affairs and has also lectured extensively. Carolynne, originally from Toronto, Canada, comes from a distinguished family active in Jewish and Communal affairs both in Toronto and Houston, Texas where she spent her formative years. A known expert on medical reimbursements, she serves as billing manager at New Rochelle Radiology.

Mr. Speaker, I have been fortunate to witness the revitalization of the National Council of Young Israel (NCYI). Nationally, the Departments of Synagogue and Rabbinic Services and the Women's Division and the Youth Department provide Young Israel congregations with much appreciated support. When an Orthodox synagogue needs assistance, NCYI is known as the organization to contact. On the international scene, NCYI is at the forefront of speaking out in support of the State of Israel, and to ensure the return of Israel's soldiers who are missing in action. NCYI has spearheaded a campaign to provide the Israel Defense Forces with Torah Scrolls for its troops who are in mobile and isolated posts. NCYI has delivered over 100 Torah scrolls and has not only facilitated but also encouraged many other individuals and organizations to do the same.

Mr. Speaker, I believe it is incumbent upon this body to recognize the accomplishments of Rabbi & Mrs. Guttman for their outstanding efforts in the betterment of the Jewish community and the City of New York.

BUSINESS CHECKING FREEDOM ACT OF 2005

SPEECH OF

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 2005

Ms. VELÁZQUEZ. Mr. Speaker, I rise in support of the Business Checking Freedom Act of 2005, H.R. 1224. Among other things, H.R. 1224 would repeal the prohibition against banks paying interest on checking accounts and authorize the Federal Reserve to pay interest on reserve balances maintained by depository institutions at Federal Reserve Banks. The bill is almost identical to previous legislation on the subject passed by the House, including H.R. 758, which passed in 2003.

H.R. 1224 contains some long overdue changes. I am particularly pleased that this legislation will permit small businesses to earn interest on their checking account balances. Individuals have been able to receive interest on checking accounts for some time, and small businesses, many of which are individually owned and operated, should have the same ability to receive an equitable return on their checking deposits.

Small businesses face an array of barriers to accessing the capital they need for start-up, operation and expansion. One of these barriers is the Depression-era law that prohibits interest-bearing checking accounts. The law, enacted as part of the Banking Act of 1933, was meant to keep banks solvent during the Great Depression. Almost 70 years later, the law is still in effect, despite evidence that it is no longer valid—or necessary.

In fact, a 1996 joint report issued by the Federal Reserve Board, the Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, and the Office of Thrift Supervision stated that the law barring payment on business checking accounts "no longer serves a public purpose." H.R. 1224 effectively repeals this ban and permits small businesses to earn interest on their checking accounts.

Similar to past House bills, H.R. 1224 also includes a section entitled Rules of Construction, which ensure that the existing regulatory treatment of certain services and benefits provided by banks in lieu of interest on escrow accounts maintained to complete the settlement of real estate closing transactions remains as it is today.

Currently, the Federal Reserve's Regulation Q permits banks to offer services and benefits in lieu of interest to depositors. It also specifically provides that the provision or the receipt of such services and benefits does not constitute interest. Using this option, title companies and agents receive bank services, such as free safe deposit and night depository facilities and low-interest loans, in lieu of interest.

This arrangement lowers the cost of maintaining real estate escrows, which in turn lowers the cost of these services to customers of title companies and title agents. H.R. 1224 does not change Regulation Q or any regulatory standard regarding the definition of interest. Rather, it ensures the continued delivery of cost-effective real estate closing services.

H.R. 1224 provides for a long overdue change to federal banking laws that will enable small businesses to gain parity with larger firms that are already able to essentially receive interest on their checking accounts. By doing so, small businesses will be better able to grow and create the new jobs that our country so desperately needs.

I urge my colleagues to support this important legislation.

HONORING JACK HORKHEIMER FOR HIS OUTSTANDING CONTRIBUTION TO THE SOUTH FLORIDA COMMUNITY

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 2005

Ms. ROS-LEHTINEN. Mr. Speaker, I am happy to pay tribute to Jack Horkheimer, the Executive Director of the Miami Space Transit Planetarium. For over 25 years, Jack has been a pioneer in the advancement of science exploration and discovery.

Jack Horkheimer has worked diligently throughout his tenure at the Miami of Science to enhance and transform planetarium presentations. He is best known as the creator, producer and host of the television show, "Star Hustler/Star Gazer," that has been shown weekly for over 25 years. His sign-off motto, "Keep Looking Up," has become familiar to many. Mr. Horkheimer has appeared on major television and radio networks, and has led several solar eclipse expeditions, as well as the first Halley's Comet Chase. Presently, Mr. Horkheimer is assisting associates position a telescope on the International Space Station.

In January 2001, the International Astronomical Union renamed "Asteroid 1999 FD," the asteroid that orbits between Mars and Jupiter, to "Asteroid Horkheimer" in honor of his contributions to astronomy. Mr. Horkheimer has also received the Outstanding Achievement Award from the Astronomical League, as well as the 12 Good Men Award presented to him by the Ronald McDonald House. In May 2000, he was awarded an Honorary Doctorate Degree by the International Fine Arts College, and was also the recipient of the Klumpke-Roberts Award from the Astronomical Society ofthe Pacific. He is the Founding Member of the International Planetarium Society, co-editor of "The Planetarium," and past editor of "Southern Skies,"

In addition, Mr. Horkheimer has established several annual scholarship funds for young students, providing them the opportunity to study astronomy.

Mr. Speaker, many in my home state of Florida have benefited immeasurably from Mr. Horkheimer's leadership and involvement in our community. My daughters are among many South Floridians that have had the unique opportunity to visit this exceptional facility. It is truly an asset to our community, and I encourage my colleagues in the House to pay tribute to Mr. Jack Horkheimer.

HONORING SAUL STERN, RECIPIENT OF THE PROJECT INTERCHANGE AM YISRAEL CHAI AWARD

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 2005

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to honor Saul Stern who will receive the Project Interchange Am Yisrael Chai Award on May 25, 2005 at the Park Hyatt Hotel in Washington, DC.

This award is presented by Project Interchange to Mr. Stern to honor his contribution to the organization. Project Interchange is the only national organization solely dedicated to providing educational seminars in Israel for America's policy and opinion makers. With exceptional leadership, Mr. Stern has guided more than 3,500 prominent Americans, including Members of Congress, congressional aides, state officials and other community leaders to experience Israel through intensive seminars. These seminars allow political and civil leaders to witness democracy at work in Israel and to provide an understanding to the complex challenges that face that country.

The Project Interchange Am Yisrael Chai Award recognizes Mr. Stern's contribution to

the Jewish community including his work in advocating Jewish interests, strengthening public support for Israel, building ties with other faith, minority, and ethnic groups and establishing a framework for social action for over six decades.

Mr. Stern has served as a life-long civic leader and truly believes in the mission of Project Interchange. In his own words, he believes the eyewitness experience in Israel is one of the most effective ways to understand the value of the U.S.-Israel relationship. While Mr. Stern has impacted the Jewish Community at the international and national level, he is also extremely influential in local Jewish and secular community associations. He has served as an advisor and a dependable colleague to local elected officials, business leaders, academicians and community activists.

Mr. Speaker, in closing, I would like to congratulate Mr. Stern on receiving this award. His significant contributions are much appreciated and greatly admired. I call upon my colleagues to join me in honoring Mr. Stern and wishing him the best of luck in all future endeavors.

IN RECOGNITION OF COLORADO HISTORY DAY WINNERS

HON. JOHN T. SALAZAR

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 2005

Mr. SALAZAR. Mr. Speaker, I rise today to recognize Caitlyn Darnell and all the other students who will represent Colorado in the National History Day competition from June 12–16, 2005.

Caitlyn placed second in the Colorado History Day competition with her dramatic performance ''Anne Sullivan: Reaching Behind Closed Doors,'' which chronicles the life of the great teacher who taught Helen Keller to communicate.

National History Day is a year-long education program for middle and high school students across the nation. Students produce documentaries, dramatic performances, exhibits, or research papers related to the annual theme. They then compete in a series of local and state competitions, with the very best traveling to the national competition.

I would like to recognize Caitlyn and all the students representing the state of Colorado for their excellence and hard work. These extraordinary students represent educational excellence in America. I would also like to recognize the students' teachers, whose support and dedication have encouraged students like Caitlyn to strive for excellence.

INTRODUCTION STATEMENT OF THE HONORABLE ALCEE L. HASTINGS FOR THE HAITI COMPASSION ACT

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 2005

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to introduce the Haiti Compassion Act. Do our colleagues know that before Haiti had even achieved its own independence in 1804, 500 Haitian troops joined American colonists in an attempt to drive the British from Savannah, Georgia? In that one battle, Haitians made up the largest military unit to fight in the 1779 siege. Haiti demonstrated through noble action and sacrifice its loyal friendship to the United States more than 225 years ago. It is now time for Congress to do the responsible thing and protect the lives and well-being of those who have stood by us for centuries.

2004 was a debilitating and tragic year for Haiti and her people. Haiti remains severely devastated by the combined effects of ongoing political turmoil and the aftermath of the natural disasters of 2004, such as Tropical Storm Jeanne and Hurricane Ivan. Political oppression and human rights violations are rife in Haiti while poverty and homelessness have become the norm for too many innocent people. To return a Haitian national back to Haiti is not only morally unjustifiable, but poses a severe threat to their personal safety.

If you don't take my word, then ask, U.S. Secretary of State Condoleeza Rice. On March 11, 2005 the U.S. Department of State issued a travel warning to U.S. Citizens, warning them of the ''absence of an effective police force in much of Haiti, the potential for looting, the presence of intermittent roadblocks set by armed gangs or by the police, and the possibility of random violent crime, including kidnapping, car-jacking, and assault.'' The Department of State's Consular Information Sheet states, ''There are no ''safe areas'' in Haiti.'' As a result, ''U.S. Citizens should avoid travel to Haiti at this time.''

At a time when current U.S. policy is to compel its own citizens not to travel to Haiti, it is unjust to return Haitian nationals to this type of dangerous situation. To return a Haitian national back to Haiti where there is ongoing violence and a devastating environmental situation would pose a severe threat to one's personal safety. Both Democrats and Republicans have mentioned the history of blatant discrimination and mistreatment of Haitians in the immigration process. Therefore, the time has arrived for us to offer some much-deserved compassion and effective action on the behalf of our loyal friends.

My legislation would designate Haiti under section 244 of the Immigration and Nationality Act in order to render nationals of Haiti eligible for temporary protected status. In light of the political, civil, and governmental crisis and tragic conditions caused by the recent environmental disasters in Haiti, my legislation would make nationals of Haiti eligible for temporary protected status.

I ask for my colleagues' support and urge the House Leadership to bring it swiftly to the House floor for consideration.

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

SPEECH OF

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 2005

The House in Committee of the Whole House in the State of the Union had under consideration the bill (H.R. 2361) making appropriations for the Department of the Interior, environment and related agencies for the fiscal year ending September 30, 2006, and for other purposes:

Mr. SCHIFF. Madam Chairman, I rise in support of the amendment to the Interior Appropriations bill submitted by Representatives SLAUGHTER, SHAYS, DICKS, LEACH, and PRICE to increase funds for the National Endowment for the Arts and the National Endowment for the Humanities.

As a member of the Congressional Arts and Humanities Caucuses, and former chair of the California Legislature's Joint Committee on the Arts, I have had the opportunity to see first hand the tremendous role that the arts play in the education and development of our children. Several academic studies have demonstrated the connection between music, dance, visual arts, and the development of the human brain. It is a fact that arts education cultivates critical thinking skills that are so important in this information-age economy. Children who learn to read music or to play an instrument show improved proficiency in mathematics and sciences.

Today, I am proud to support an increase of $10 million for the National Endowment for the Arts and a $5 million increase in funds for the National Endowment for the Humanities.

One of the initiatives under the NEA, Challenge America, expands the National Endowment for the Arts reach to connect families and communities to local arts programs and educational components. Meanwhile, funds to support the National Endowment for the Humanities will continue to assist ''We the People'' to strengthen the teaching, study, and understanding of American History and culture.

The arts are not only about appreciation and enjoyment, they are also a strong component of our economy. A recent study from Americans for the Arts found that the nonprofit art industry alone generated $134 billion in economic activity, including full time jobs, household income and tax revenues. More than $80 billion of this is spent by audiences who enthusiastically attend events in their local communities.

In my own district, there are more than 2,700 arts-related businesses and more than 37,000 jobs including those in visual arts, design, and the performing arts. In addition, the film, television, and radio industry generates more than 26,000 jobs in the district I represent.

I am proud to host an annual Congressional Arts Competition in my district that allows high school students to showcase their artistic talents in painting, drawing, and photography to the community. I have constantly been impressed with the artistic vision and creativity of our young people. This vision and creativity should be fostered, not discouraged.

By supporting the arts and humanities, the federal government can partner with state and local efforts to bolster the quality of life as well as economic and educational opportunities in our communities.

PERSONAL EXPLANATION

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 2005

Mr. LEWIS of Georgia. Mr. Speaker, I was unable to cast rollcall votes No. 176 through 199 on May 17 through 19, 2005 because I was attending to a personal matter. Had I been present I would have cast the following votes: On rollcall No. 176, I would have voted ''yes''; On rollcall No. 177, I would have voted ''no''; On rollcall No. 178, I would have voted ''yes''; On rollcall No. 179, I would have voted ''yes''; On rollcall No. 180, I would have voted ''yes''; On rollcall No. 181, I would have voted ''no''; On rollcall No. 182, I would have voted ''no''; On rollcall No. 183, I would have voted ''yes''; On rollcall No. 184, I would have voted ''yes''; On rollcall No. 185, I would have voted ''no''; On rollcall No. 186, I would have voted ''yes''; On rollcall No. 187, I would have voted ''yes''; On rollcall No. 188, I would have voted ''yes''; On rollcall No. 189, I would have voted ''yes''; On rollcall No. 190, I would have voted ''no''; On rollcall No. 191, I would have voted ''no''; On rollcall No. 192, I would have voted ''no''; On rollcall No. 193, I would have voted ''no''; On rollcall No. 194, I would have voted ''yes''; On rollcall No. 195, I would have voted ''no''; On rollcall No. 196, I would have voted ''yes''; On rollcall No. 197, I would have voted ''no''; On rollcall No. 198, I would have voted ''yes''; On rollcall No. 199, I would have voted ''no.''

HONORING DR. RAJIV RANJAN

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 2005

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise to recognize the achievements of Dr. Rajiv Ranjan and would like to honor his extraordinary contributions and pioneering research work in the field of magnetic recording, which have led to a number of technological breakthroughs.

Dr. Ranjan has led the effort in the next generation of perpendicular media technology that is destined for the market place in the near future. His focus is in the field of low noise media. Prior to the mid-1980s, industry recorded information on oxide media. These media had limitations to attaining high areal density (recording density per unit area). One proposed alternative was sputtered thin-film media, but the media had high-levels of media noise. Rajiv, along with his team, demonstrated low-noise possibilities for thin film media.

This work led to an industry-wide transition to sputtered thin-media. These low-noise media led to a tremendous increase in areal density and resulted in lower cost data storage products, followed by a wider usage in the personal computers. These products are now being incorporated into consumer electronic products, such as MP3 players, PDA, cellphones and more.

Another of his key inventions is laser texturing of a selective area of the disc surface. This enabled the recording head to fly closer to the medium surface and enabled increased areal density. This also enabled a faster take-off of the head and reliable landing of the head during power on/off. The net result is higher areal density and a more reliable and safer drive. Over a billion disc-drives have been sold with laser-textured media.

Rajiv holds over 54 U.S. patents, many of them currently used in data-storage products.

Dr. Rajiv Ranjan has devoted his life to enrich and advance society through technology, and his contribution deserves to be honored to serve as an inspiration.

I am proud that Dr. Rajiv Ranjan lives in the 16th Congressional District where he is an active and respected member of his community as well as an admired scientist. Please join me, Mr. Speaker, in offering our congratulations for his success and our admiration for his leadership both in technology and the arts, but also in his family and community.

Daily Digest

HIGHLIGHTS

The House passed H.R. 2419, Energy and Water Development and Related Agencies Appropriations Act for Fiscal Year 2006.

The House passed H.R. 810, Stem Cell Enhancement Act of 2005.

Senate

Chamber Action

Routine Proceedings, pages S5815–S5857

Measures Introduced: Eight bills were introduced, as follows: S. 1108–1115. **Page S5851**

Measures Reported:

S. 21, to provide for homeland security grant coordination and simplification, with an amendment in the nature of a substitute. (S. Rept. No. 109–71) **Page S5851**

Nomination Considered: Senate continued consideration of the nomination of Priscilla Richman Owen, of Texas, to be United States Circuit Judge for the Fifth Circuit. **Pages S5817–40**

During consideration of this nomination today, Senate also took the following action:

By 81 yeas to 18 nays (Vote No. 127), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the nomination. **Page S5828**

A unanimous-consent time agreement was reached providing that when the Senate resumes consideration of the nomination on Wednesday, May 25, 2005, that the time until 12 noon be equally divided between the Majority Leader and the Democratic Leader, or their designees; and that at 12 noon all time be expired under Rule 22, and the Senate vote on confirmation of the nomination. **Page S5840**

Nomination—Agreement: A unanimous-consent time agreement was reached providing that at a time determined by the Majority Leader, after consultation with the Democratic Leader, it be in order to move to proceed en bloc to the nominations of David W. McKeague, of Michigan, and Richard A. Griffin, of Michigan, each to be a United States Circuit Judge for the Sixth Circuit, if reported by the Committee on the Judiciary; that there be ten hours of debate equally divided between the Chairman of the Committee on the Judiciary, and the Ranking Member, or their designees; and that following the use, or yielding back of time, the Senate vote on confirmation of the nomination. **Page S5857**

Nomination—Agreement: A unanimous-consent time agreement was reached providing that at a time determined by the Majority Leader, after consultation with the Democratic Leader, Senate begin consideration of the nomination of Thomas B. Griffith, of Utah, to be United States Circuit Judge for the District of Columbia Circuit; that there be four hours of debate equally divided between the Chairman of the Committee on the Judiciary, and the Ranking Member, or their designees; and that following the use, or yielding back of time, the Senate vote on confirmation of the nomination. **Page S5857**

Nomination Referral—Agreement: A unanimous-consent time agreement was reached providing that the nomination of Charles S. Ciccolella, of Virginia, to be Assistant Secretary of Labor for Veterans' Employment and Training, be jointly referred to the Committees on Health, Education, Labor and Pensions and Veterans' Affairs. **Page S5857**

Appointment:

United States Capitol Preservation Commission: The Chair, on behalf of the President pro tempore, pursuant to Public Law 100-696, appointed Senator Allard as a member of the United States Capitol Preservation Commission, vice Senator Bennett. **Page S5857**

Messages From the House: **Page S5844**

Measures Referred: **Pages S5844–45**

Measures Placed on Calendar: **Page S5845**

Petitions and Memorials: **Pages S5845–51**

Additional Cosponsors: **Pages S5851–52**

Statements on Introduced Bills/Resolutions: Pages S5852–56

Additional Statements: Pages S5842–44

Amendments Submitted: Page S5856

Authority for Committees to Meet: Page S5856

Privilege of the Floor: Page S5856

Record Votes: One record vote was taken today. (Total—127) Page S5828

Adjournment: Senate convened at 9:45 a.m. and adjourned at 6:57 p.m. until 9:30 a.m., on Wednesday, May 25, 2005. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S5857.)

Committee Meetings

(Committees not listed did not meet)

DEPARTMENT OF JUSTICE

Committee on Appropriations: Subcommittee on Commerce, Justice, Science and Related Agencies concluded a hearing to examine proposed budget estimates for fiscal year 2006 for the Department of Justice, after receiving testimony from Alberto R. Gonzales, Attorney General, and Robert S. Mueller III, Director, Federal Bureau of Investigations, both of the Department of Justice.

U.S. ANTI-DOPING AGENCY

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine S. 529, to designate a United States Anti-Doping Agency and to examine the competitive pressures that lead amateur athletes to use drugs, the sources of such drugs, and the science of doping, after receiving testimony from Jim Scherr, U.S. Olympic Committee, and Terrence Madden, U.S. Anti-Doping Agency, both of Colorado Springs, Colorado; Roger Blake, California Interscholastic Federation, Alameda; Don H. Catlin, University of California at Los Angeles Medical School; and Kelli White, Voorhees, New Jersey.

NOMINATIONS

Committee on Finance: Committee concluded a hearing to examine the nominations of Alex Azar II, of Maryland, to be Deputy Secretary of Health and Human Services, who was introduced by Senator Hatch, Timothy D. Adams, of Virginia, to be Under Secretary of the Treasury for International Affairs, who was introduced by Senator McConnell, Suzanne C. DeFrancis, of Maryland, to be Assistant Secretary of Health and Human Services for Public Affairs, Charles E. Johnson, of Utah, to be Assistant Secretary of Health and Human Services for Budget, Technology, and Finance, who was introduced by Senator Hatch, and Shara L. Aranoff, of Maryland, to be a Member of the United States International Trade Commission, who was introduced by Senator Baucus, after the nominees testified and answered questions in their own behalf.

NOMINATIONS

Committee on Foreign Relations: Committee concluded a hearing to examine the nominations of Eduardo Aguirre, Jr., of Texas, to be Ambassador to Spain and Andorra, who was introduced by Senators Hutchison, Cornyn and Martinez; Victoria Nuland, of Connecticut, to be Permanent Representative of the United States of America on the Council of the North Atlantic Treaty Organization, with the rank and status of Ambassador, who was introduced by Senator Lieberman; Julie Finley, of the District of Columbia, to be U.S. Representative to the Organization for Security and Cooperation in Europe, with the rank of Ambassador, who was introduced by Senator Warner; and John F. Tefft, of Virginia, to be Ambassador to Georgia, and Craig Roberts Stapleton, of Connecticut, to be Ambassador to France, after the nominees testified and answered questions in their own behalf.

U.S. SPECIAL COUNSEL

Committee on Homeland Security and Governmental Affairs: Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia concluded a hearing to examine a review of the U.S. Office of Special Counsel, focusing on safeguarding the merit system by protecting federal employees and applicants from prohibited personnel practices, especially reprisal for whistleblowing, after receiving testimony from Scott J. Bloch, Special Counsel, U.S. Office of Special Counsel.

SPECIALTY HOSPITALS

Committee on Homeland Security and Governmental Affairs: Subcommittee on Federal Financial Management, Government Information, and International Security concluded an oversight hearing to examine the competitive effects of specialty hospitals, after receiving testimony from John D. Graubert, Principal Deputy General Counsel, Federal Trade Commission; Mark E. Miller, Executive Director, Medicare Payment Advisory Commission; Regina E. Herzlinger, Harvard Business School, Boston, Massachusetts; Stan Pelofsky, Oklahoma Spine Hospital, Oklahoma City; John T. Thomas, Baylor Health Care System, Dallas, Texas; William G. Plested, American Medical Association, Chicago, Illinois; James E. Cain, Lampasas, Texas; and Ed Jungbluth, Albuquerque, New Mexico.

USA PATRIOT ACT AUTHORIZATION

Select Committee on Intelligence: Committee concluded a hearing to examine proposed legislation to reauthorize certain provisions of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT) Act of 2001 and the Intelligence Reform and Terrorism Prevention Act of 2004, to clarify certain definitions in the Foreign Intelligence Surveillance Act of 1978, to provide additional investigative tools necessary to protect the national security, after receiving testimony from Valerie Caproni, General Counsel, Federal Bureau of Investigation, David S. Kris, former Associate Deputy Attorney General, and Daniel P. Collins, former Associate Deputy Attorney Chief Privacy Officer, all of the Department of Justice; and Joseph Onek, Constitution Project, and James X. Dempsey, Center for Democracy and Technology, both of Washington, D.C.

House of Representatives

Chamber Action

Measures Introduced: 57 public bills, H.R. 2560–2616; and 6 resolutions, H. Con. Res. 165–166; and H. Res. 294–297, were introduced.

Pages H3892–93

Additional Cosponsors: **Pages H3893–94**

Reports Filed: Reports were filed on May 25 (Legislative day, May 24), 2005 as follows:

H. Res. 293, providing for consideration of H.R. 1815, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2006 (H. Rept. 109–96). **Page H3892**

Speaker: Read a letter from the Speaker wherein he appointed Representative Price of Georgia to act as Speaker Pro Tempore for today. **Page H3771**

Recess: The House recessed at 9:13 a.m. and reconvened at 10 a.m. **Page H3772**

Discharge Petition: Representative Marshall moved to discharge the Committee on Rules from the consideration of H. Res. 270, providing for the consideration of 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 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 (Discharge Petition No. 2).

Energy and Water Development and Related Agencies Appropriations Act for Fiscal Year 2006: The House passed H.R. 2419, making appropriations for energy and water development for the fiscal year ending September 30, 2006, by a yea-and-nay vote of 416 yeas to 13 nays, Roll No. 211.

Pages H3780–95, H3853–79

Rejected the Etheridge motion to recommit the bill to the Committee on Appropriations with instructions to report the same back to the House forthwith with an amendment, by a recorded vote of 167 ayes to 261 noes, Roll No. 210. **Pages H3877–38**

Agreed to adopt the Hobson amendment in the House and the Committee of the Whole and that it be considered as original text for the purpose of further amendment. **Page H3780**

Agreed to adopt the Hobson amendment in the House and the Committee of the Whole and that the amendment be considered as original text for the purpose of further amendment, and to limit the number of amendments made in order for debate and the time limit for debate on each amendment.

Page H3853

Agreed to:

Sanders amendment that increases funding for Energy Supply and Conservation; **Pages H3857–58**

Markey amendment that prohibits the use of funds by the Nuclear Regulatory Commission to contract with or reimburse any Nuclear Regulatory Commission licensee or the Nuclear Energy Institute with respect to matters relating to the security of production facilities or utilization facilities; and

Page H3868

Boehlert amendment that prohibits the use of funds to enter into an agreement obligating the U.S. to contribute funds to ITER before March 1, 2006.

Pages H3868–69

Rejected:

Markey amendment that sought to increase funding for Energy Supply and Conservation (by a recorded vote of 110 ayes to 312 noes, Roll No. 207);

Pages H3858–62, H3874–75

Jones of North Carolina amendment that sought to increase funding for the Operation and Maintenance fund of the Corps of Engineers (by a recorded vote of 152 ayes to 275 noes, Roll No. 208); and **Pages H3870–71, H3875–76**

Stupak amendment (No. 4 printed in the Congressional Record of May 23) that sought to prohibit the use of funds to accept deliveries of petroleum products to the Strategic Petroleum Reserve (by a recorded vote of 174 ayes to 253 noes, Roll No. 209). **Pages H3871–73, H3876**

Withdrawn:

Biggert amendment that was offered and subsequently withdrawn that sought to strike sections 311 and 312 of the bill regarding Laboratory Directed Research and Development, Plant Directed Research and Development, and Site Directed Research and Development; **Pages H3865–66**

Filner amendment (No. 1 printed in the Congressional Record of May 23) that was offered and subsequently withdrawn that sought to prohibit the use of funds to issue, approve, or grant any permit for the transmission of electric energy in the U.S. from a foreign country if any portion of such electric energy is generated at a power plant located within 25 miles of the U.S. that does not comply with specific air quality requirements; **Pages H3869–70**

Stupak amendment (No. 5 printed in the Congressional Record of May 23) that was offered and subsequently withdrawn that sought to prohibit the use of funds to implement a policy to use or consider the amount of tonnage of goods that pass through a harbor to determine if a harbor is high-use; and **Pages H3873–74**

Tiahrt amendment that was offered and subsequently withdrawn that sought to prohibit the use of funds to promulgate regulations without consideration of the effect of such regulations on the competitiveness of American businesses. **Page H3874**

Point of Order:

Section 104 regarding multiyear contracts for water resources projects. **Page H3855**

H. Res. 291, the rule providing for consideration of the bill was agreed to by voice vote, after agreeing to order the previous question by a yea-and-nay vote of 219 yeas to 190 nays, Roll No. 203. **Pages H3776–79**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Stem Cell Therapeutic and Research Act of 2005: H.R. 2520, to provide for the collection and maintenance of human cord blood stem cells for the treatment of patients and research, and to amend the Public Health Service Act to authorize the C.W. Bill Young Cell Transplantation Program (agreed to extend the time for debate on the measure), by a ⅔ yea-and-nay vote of 431 yeas to 1 nay, Roll No. 205; and **Pages H3795–H3809, H3852**

Business Checking Freedom Act of 2005: Debated on May 23: H.R. 1224, amended, to repeal the prohibition on the payment of interest on demand deposits, by a ⅔ yea-and-nay vote of 424 yeas to 1 nay, Roll No. 206. **Pages H3852–53**

Stem Cell Research Enhancement Act of 2005: The House passed H.R. 810, to amend the Public Health Service Act to provide for human embryonic stem cell research, by a yea-and-nay vote of 238 yeas to 194 nays, Roll No. 204. **Pages H3809–53**

The bill was considered under a unanimous consent agreement reached yesterday, May 23.

Recess: The House recessed at 11 p.m. and reconvened at 12:10 a.m. on May 25, 2005. **Page H3890**

Senate Message: Message received from the Senate today appears on page H3772.

Senate Referrals: S. 188 was referred to the Committee on the Judiciary. **Page H3890**

Quorum Calls—Votes: Five yea-and-nay votes and four recorded votes developed during the proceedings today and appear on pages H3779, H3851–52, H3852, H3852–53, H3874–75, H3875–76, H3876, H3877–78, and H3878–79. There were no quorum calls.

Adjournment: The House met at 9 a.m. and adjourned at 12:11 a.m.

Committee Meetings

REVIEW U.S. GRAIN STANDARDS ACT

Committee on Agriculture: Subcommittee on General Farm Commodities and Risk Management held a hearing to Review the U.S. Grain Standards Act. Testimony was heard from David Shipman, Deputy Administrator, Grain Inspection, Packers and Stockyards Administration, USDA; and public witnesses.

DEFENSE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Defense met in executive session and approved for full Committee action the Defense appropriations for Fiscal Year 2006.

SCIENCE, THE DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Science, The Departments of State, Justice, and Commerce, and Related Agencies approved for full Committee

action the Science, The Departments of State, Justice, and Commerce, and Related Agencies appropriations for Fiscal Year 2006.

OLDER AMERICANS ACT EXAMINATION

Committee on Education and the Workforce: Subcommittee on Select Education held a hearing entitled ''An Examination of the Older Americans Act.'' Testimony was heard from Joan Lawrence, Director, Department of Aging, State of Ohio; and public witnesses.

NUCLEAR TERRORISM THREAT REDUCTION

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing on Reducing the Threat of Nuclear Terrorism: A Review of the Department of Energy's Global Threat Reduction Initiative. Testimony was heard from Paul Longsworth, Deputy Administrator, Defense Nuclear Proliferation, National Nuclear Security Agency, Department of Energy; Edward McGaffigan, Jr., Commissioner, NRC; and public witnesses.

ABUSIVE MORTGAGE LENDING PRACTICES

Committee on Financial Services: Subcommittee on Housing and Community Opportunity and the Subcommittee on Financial Institutions and Consumer Credit held a joint hearing entitled ''Legislative Solutions to Abusive Mortgage Lending Practices.'' Testimony was heard from public witnesses.

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

Committee on Government Reform: Subcommittee on Federalism and the Census held a hearing entitled ''Bringing Community Development Block Grant Program (CDBG) Spending into the 21st Century: Introducing Accountability and Meaningful Performance Measures into the Decades-Old CDBG Program.'' Testimony was heard from Roy A. Bernardi, Deputy Secretary, Department of Housing and Urban Development; and public witnesses.

BORDER PATROL AGENT TRAINING

Committee on Homeland Security: Subcommittee on Management, Integration, and Oversight held a hearing entitled ''Training More Border Patrol Agents: How the Department of Homeland Security Can Increase Training Capacity Most Effectively.'' Testimony was heard from the following officials of the Department of Homeland Security: Thomas Walters, Assistant Commissioner, Training and Development, Bureau of Customs and Border Protection; and Connie Patrick, Director, Federal Law Enforcement Training Center; and public witnesses.

STATE TAXATION AND INTERSTATE COMMERCE

Committee on the Judiciary: Subcommittee on the Constitution and the Subcommittee on Commercial and Administrative Law held a joint oversight hearing on ''Economic Development and the Dormant Commerce Clause: The Lessons of *Curo* v. *Daimler Chrysler* and Its Effect on State Taxation Affecting Interstate Commerce.'' Testimony was heard from Bruce Johnson, Lt. Gov., State of Ohio; and public witnesses.

OVERSIGHT—FEDERAL FISH HATCHERY SYSTEM

Committee on Resources: Subcommittee on Fisheries and Oceans held an oversight hearing on the Federal Fish Hatchery System. Testimony was heard from Mamie Parker, Assistant Director, Fisheries and Habitat Conservation, U.S. Fish and Wildlife Service, Department of the Interior; D. Robert Lohn, Regional Administrator, Northwest Region, National Marine Fisheries Service, NOAA, Department of Commerce; and public witnesses.

BIOMASS UTILIZATION

Committee on Resources: Subcommittee on Forests and Forest Health held an oversight hearing on Current Obstacles in Biomass Utilization: A GAO Report on Problems Agencies Face in the utilization of Woody Biomass, and the extent to which they are addressing these problems. Testimony was heard from Robin Nazzaro, Director, Natural Resources and Environment, GAO; and public witnesses.

DESALINATION DROUGHT PROTECTION ACT; DESALINATION PROCESS—REDUCING POWER AND OTHER COSTS

Committee on Resources: Subcommittee on Water and Power held a hearing on H.R. 1071, Desalination Drought Protection Act of 2005 and on ''Reducing Power and Other Costs of the Desalination Process.'' Testimony was heard from David Garman, Assistant Secretary, Energy Efficiency and Renewable Energy, Department of Energy; Maryanne Bach, Director, Research and Development, Bureau of Reclamation, Department of the Interior; Douglas Holtz-Eakin, Director, CBO; and public witnesses.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FY 2006

Committee on Rules: Granted, by voice vote, a structured rule providing one hour of general debate on H.R. 1815, National Defense Authorization Act for FY 2006, to be equally divided and controlled between the chairman and ranking minority member of the Committee on Armed Services. 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 Armed Services now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule waives all points of order against the amendment in the nature of a substitute recommended by the Committee on Armed Services.

The rule makes in order only those amendments printed in the Rules Committee report. The rule provides that amendments shall be considered only in the order specified in the report (except as specified in section 4 of the resolution), may be offered only by a Member designated in the report, shall be debatable for the time specified in the report, shall not be subject to amendment (except that the chairman and ranking minority member of the Committee on Armed Services each may offer one pro forma amendment for the purpose of further debate on any pending amendment), shall be considered as read, and shall not be subject to a demand for division of the question. The rule waives all points of order against amendments printed in the Rules Committee report. The rule allows the Chairman of the Committee of the Whole to recognize for the consideration of any amendment printed in the report out of the order printed, but not sooner than one hour after the chairman of the Committee on Armed Services or a designee announces from the floor a request to that effect.

The rule authorizes the Chairman of the Committee on Armed Services, or his designee, to offer amendments en bloc consisting of amendments printed in the Rules Committee report not earlier disposed of, which shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services or their designees, and shall not be subject to amendment or demand for a division of the question in the House of the Committee of the Whole.

The rule provides that during consideration of the bill under this resolution or by a subsequent order of the House that after a motion that the Committee rise or after a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII) has been rejected on a legislative day, the Chairman of the Committee of the Whole may entertain another such motion on that day only if offered by the chairman of the Committee on Armed Services or the Majority Leader. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Hunter and Representatives Bradley of New Hampshire, Simmons, Shays, Stearns, Cunningham, Latham, Manzullo, Goode, Beauprez, Skelton, Spratt, Taylor of Mississippi, Meehan, Tauscher, Israel, Udall of Colorado, Marshall, McKinney, Stark, Markey, Slaughter, DeLauro, Bishop of Georgia, Velázquez, Woolsey, Blumenauer, Ford, Kilpatrick, Tierney, Honda, Lynch, Matheson, Schiff, Michaud, Herseth and Wasserman Schultz.

VETERAN-OWNED SMALL BUSINESS

Committee on Small Business: Subcommittee on Workforce, Empowerment, and Government Programs and the Subcommittee on Economic Opportunity of the Committee on Veterans' Affairs held a joint hearing entitled ''How Are Our Veterans-Owned Small Business Owners Being Served?'' Testimony was heard from Frank A. Ramos, Director, Office of Small and Disadvantaged Business Utilization, Department of Defense; Scott F. Denniston, Director, Office of Small and Disadvantaged Business Utilization; Department of Veterans Affairs; representatives of veterans organizations; and public witnesses.

WTO WITHDRAWAL

Committee on Ways and Means: Ordered adversely reported H.J. Res. 27, Withdrawing the approval of the United States from the Agreement establishing the World Trade Organization.

RENEWABLE ENERGY PRODUCTION TAX CREDIT

Committee on Ways and Means: Subcommittee on Select Revenue Measures held a hearing on Tax Credits for Electricity Production from Renewable Sources. Testimony was heard from Howard Gruenspecht, Deputy Administrator, Energy Information Administration, Department of Energy; and public witnesses.

SOCIAL SECURITY—PROTECTING AND STRENGTHENING

Committee on Ways and Means: Subcommittee on Social Security continued hearings on Protecting and Strengthening Social Security. Testimony was heard from Stephen C. Goss, Chief Actuary, SSA.

Hearings continue May 26.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2006

Permanent Select Committee on Intelligence: Met in executive session and ordered reported, as amended, H.R. 2475, Intelligence Authorization Act for Fiscal year 2006.

COMMITTEE MEETINGS FOR WEDNESDAY, MAY 25, 2005

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: to hold hearings to examine the U.S. Grain Standards Act, 10 a.m., SR–328A.

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine the Nominations of Ben S. Bernanke, of New Jersey, to be a Member of the Council of Economic Advisers, and Brian D. Montgomery, of Texas, to be Assistant Secretary of Housing, Federal Housing Commissioner, Department of Housing and Urban Development, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: to hold hearings to examine S. 360, to amend the Coastal Zone Management Act, 10 a.m., SR–253.

Committee on Energy and Natural Resources: business meeting to consider comprehensive energy legislation, focusing on provisions relating to renewable energy, nuclear matters, and studies, 9:30 a.m., SD–366.

Committee on Environment and Public Works: to hold an oversight hearing to examine permitting of energy projects, 9:30 a.m., SD–406.

Committee on Foreign Relations: to hold hearings to examine the nominations of David Horton Wilkins, of South Carolina, to be Ambassador to Canada, William Alan Eaton, of Virginia, to be Ambassador to Panama, James M. Derham, of Virginia, to be Ambassador to Guatemala, and Robert Johann Dieter, of Colorado, to be Ambassador to Belize, Paul A. Trivelli, of Virginia, to be Ambassador to Nicaragua, and Linda Jewell, of the District of Columbia, to be Ambassador to Ecuador, 9:30 a.m., SD–419.

Committee on Health, Education, Labor, and Pensions: business meeting to consider S. 1107, to reauthorize the Head Start Act, S. 518, to provide for the establishment of a controlled substance monitoring program in each State, and the nominations of Charles P. Ruch, of South Dakota, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation, Kim Wang, of California, to be a Member of the National Museum and Library Services Board, and Harry Robinson, Jr., of Texas, to be a Member of the National Museum Services Board, 9:50 a.m., SD–430.

Committee on Homeland Security and Governmental Affairs: business meeting to consider the nominations of Philip J. Perry, of Virginia, to be General Counsel, Department of Homeland Security, and Carolyn L. Gallagher, of Texas, and Louis J. Giuliano, of New York, each to be a Governor of the United States Postal Service, Time to be announced, Room to be announced.

Full Committee, to hold hearings to examine how counterfeit goods provide easy cash for criminals and terrorists, 9:30 a.m., SD–562.

Full Committee, to hold hearings to examine the nomination of Linda Morrison Combs, of North Carolina, to be Controller, Office of Federal Financial Management, Office of Management and Budget, 2:30 p.m., SD–562.

Committee on Indian Affairs: to hold hearings to examine S.J. Res. 15, to acknowledge a long history of official depredations and ill-conceived policies by the United States Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States, 10 a.m., SR–485.

Committee on the Judiciary: business meeting to resume consideration 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.

Subcommittee on Intellectual Property: to hold hearings to examine piracy of intellectual property, 2:30 p.m., SD–226.

Select Committee on Intelligence: to hold closed hearings to examine certain intelligence matters, 9:30 a.m., SH–219.

House

Committee on Agriculture, hearing to Review National Forest Land Management Planning, 2 p.m., 1300 Longworth.

Committee on Appropriations, to mark up the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies appropriations for Fiscal Year 2006, 11 a.m., 2359 Rayburn.

Committee on Energy and Commerce, Subcommittee on Commerce, Trade, and Consumer Protection, to consider the following bills: H.R. 1065, United States Boxing Commission Act; and H.R. 1862, Drug Free Sports Act, 10 a.m., 2123 Rayburn.

Subcommittee on Oversight and Investigations, hearing on a Review of Community Health Centers: Issues and Opportunities, 2 p.m., 2322 Rayburn.

Committee on Financial Services, to consider H.R. 1461, Federal Housing Finance Reform Act of 2005, 10 a.m., 2128 Rayburn.

Committee on Government Reform, Subcommittee on Regulatory Affairs, hearing entitled "Less is More: The Increasing Burden of Taxpayer Paperwork," 2 p.m., 2154 Rayburn.

Committee on Homeland Security, Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment, hearing entitled "Evaluating the Threat of Agro-Terrorism," 2 p.m., 210 Cannon.

Committee on International Relations, Subcommittee on Europe and Emerging Threats, hearing on Northern Ireland: Prospects for the Peace Process, 1 p.m., 2200 Rayburn.

Subcommittee on Western Hemisphere, hearing on Transparency and Rule of Law in Latin America, 1:30 p.m., 2172 Rayburn.

Committee on the Judiciary, to continue markup of H.R. 800, Protection of Lawful Commerce in Arms Act; and to mark up the following measures: H.R. 420, Lawsuit Abuse Reduction Act of 2005; H.R. 554, Personal Responsibility in Food Consumption Act; and H.J. Res. 10, Proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States, 10 a.m., 2141 Rayburn.

Subcommittee on Immigration, Border Security, and Claims, oversight hearing on the "Diversity Visa Program," 2:30 p.m., 2141 Rayburn.

Committee on Resources, and the Subcommittee on Asia and the Pacific of the Committee on International Relations, joint oversight hearing entitled ''The United States Nuclear Legacy in the Marshall Islands: Consideration of Issues Relating to the Changes Circumstances Petition,'' 2 p.m., 1324 Longworth.

Committee on Rules, to consider H.R. 2528, making appropriations for military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2006, 4 p.m., H–313 Capitol.

Committee on Transportation and Infrastructure, Subcommittee on Aviation, oversight hearing entitled ''The U.S. Jet Transport Industry: Global Market Factors Affecting U.S. Producers,'' 10 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Economic Opportunity, hearing on the following bills: H.R. 717, To amend title 38, United States Code, to expand the scope of programs of education for which accelerated payments of educational assistance under the Montgomery GI Bill may be used; H.R. 745, Veterans Self-Employment Act of 2005; and H.R. 1207, Department of Veterans Affairs Work-Study Act of 2005, 2 p.m., 334 Cannon.

Permanent Select Committee on Intelligence, Subcommittee on Terrorism, Human Intelligence Analysis and Counter-Intelligence, executive, Briefing on Iran, 2 p.m., H–405 Capitol.

Subcommittee on Terrorism, Human Intelligence Analysis and Counter-Intelligence, executive, Briefing on CIA Humint Training Needs, 4 p.m., H–405 Capitol.

Joint Meetings

Commission on Security and Cooperation in Europe: to hold hearings to examine human rights concerns in Kosovo, 11 a.m., SD–124.

Next Meeting of the SENATE

9:30 a.m., Wednesday, May 25

Senate Chamber

Program for Wednesday: After the transaction of any morning business (not to extend beyond 60 minutes), Senate will continue consideration of the nomination of Priscilla Richman Owen, of Texas, to be United States Circuit Judge for the Fifth Circuit, and the time until 12 noon be equally divided for debate, with a vote on confirmation of the nomination to occur at 12 noon.

Also, Senate may begin consideration of the nomination of John Robert Bolton, of Maryland, to be Representative of the United States of America to the United Nations.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, May 25

House Chamber

Program for Wednesday: Begin consideration of H.R. 1815, National Defense Authorization Act for Fiscal Year 2006 (subject to a rule).

Extensions of Remarks, as inserted in this issue

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Congressional Record

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