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House of Representatives

The House met at 10 a.m.

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

Eternal Father of all and well-spring of youthful dreams, bless the young women and men who have served these past months as pages of the U.S. House of Representatives. As their term of service comes to an end, inspire each of them with expansive hopes and fill them with great aspirations to create powerful futures both for themselves and for this Nation.

We praise You and we thank You for their families and all of those who have mentored the pages in their program: their work, their school, and in their dorm. May this experience of government at work deepen their commitment to learning and their ability to make friends with diverse people from across the Nation, forming them into leaders for tomorrow.

May the Members of Congress surrounded by such youthful presence grow in their tender understanding of America's young people, their needs, their dreams, their problems, their values, and their abilities.

Ever-living Lord, help young and old Americans alike develop skills to cross the generational divide, that we may all grow up to be one Nation under God. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Arizona (Mr. FLAKE) come forward and lead the House in the Pledge of Allegiance.

Mr. FLAKE 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.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 10 1-minute speeches on each side.

BANNING BOOKS

(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, a 10-year-old Knoxville, Tennessee child, Luke Whitson, and some of his friends chose to read the Bible to each other during recesses instead of playing on the jungle gym or kickball. Luke's principal was not amused. She put a stop on this terrible practice at once and told the students not to bring their Bibles to school again.

Now, we expect principals to protect kids from bullying and ensure a healthy learning environment. We do not expect them to dictate issues of faith or, worse, mandate a faith-free environment. However, this principal is a ground soldier in a national campaign to remove faith, even voluntary expressions of it, from publicly funded programs and facilities.

School children, all people, should have the right to read freely in their own free time, whether it is during recess at school or in the break room during lunch at work.

Our government buys and provides copies of the Koran and prayer rugs to terrorist prisoners at Gitmo. We expect our soldiers to honor a terrorist's right to worship freely, but will we stand for the right of an American child to do so as well? Sounds like somebody is paranoid.

PRINCIPLES OF TAX REFORM

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

Mr. EMANUEL. Mr. Speaker, we have a tax system that is needlessly complicated and burdensome to the middle class. It is time for fundamental tax reform that reflects the values and the interests of all Americans, not the special interests.

When President Bush announced his tax reform commission, he said his core principle was that it should not hurt government revenues.

Democrats believe that the core principle of tax reform is that tax reform should help the middle class achieve their goals. Tax reform is about the middle class and economic growth, not about government revenue.

In the last 4 years the Tax Code has been filled with special breaks for special interests. At the same time, the tax burdens have shifted from the wealthy to those who work, from dividend to wages.

What should we do?

Combine the five educational tax breaks to one tax break for higher education for $3,000 for everybody going to college; unify the various child credits and earned income tax credit to a single simplified tax family credit; simplify the 16 different versions of the Tax Code for savings to one universal 401(k) pension; and, finally, encourage homeownership. We should create a universal mortgage deduction for all taxpayers.

Mr. Speaker, we need a tax system that reflects the American values and fosters the American Dream, not the current system written by and for the special interests.

SOCIAL SECURITY PROPERTY RIGHTS

(Mr. MILLER of Florida asked and was given permission to address the

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

Mr. MILLER of Florida. Mr. Speaker, as I listen to the national debate on Social Security reform, I am left wondering why no one is talking about America's greatest principles, and that is property rights.

I get letters, e-mails, and phone calls every day from my constituents demanding that I do not take away their guaranteed Social Security benefits. That leads me to believe that our Nation's citizens may not understand that they really have no legal right to their Social Security benefits.

The Supreme Court ruled in Flemming v. Nestor that there is no legal right to Social Security benefits. In the eyes of the Court, it is deemed a tax-and-spend program in which Congress can change the rules regarding eligibility at any time, and it has many times over in past years. That is how our current system works.

Mr. Speaker, it is time for reform. It is time to give American taxpayers back their personal property rights. Personal accounts would give workers true legal property rights to their contributions and their benefits. They could not be raided to pay for other programs. Personal accounts are the ultimate lockbox.

NATIONAL HEALTH INSURANCE

(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, as so many American families struggle with the rising costs of health care and with the unavailability of health care, I think it is important to keep in mind that roughly one-third of every health care dollar goes to wasteful administration and profit. The result is that we pay more for our health care than any other industrialized country by a wide margin.

Since American businesses are the main provider of health care in the United States, they bear the burden and it is hurting their competitiveness. How do we know? Our competition tells us so.

The CEO of the Ford Motor Company of Canada, the president and CEO of GM Canada, and the CEO of DaimlerChrysler Canada had this to say in a 2002 letter: ''Publicly funded health care thus accounts for a significant portion of Canada's overall labor cost advantage in auto assembly, versus the U.S. which in turn has been a significant factor in maintaining and attracting new auto investment to Canada.''

The time has come for national health insurance.

HEALTH CARE COSTS

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

Mr. PRICE of Georgia. Mr. Speaker, America's health care system is indeed in need of fixing on so many levels. You can lose count of the number of problems that it has. One of the major issues is cost.

Recent studies show that the average American pays close to $4,000 a year on health care. However, that figure pales in comparison to the $11,000 that health care costs for America's seniors each.

The last time this study was conducted in 1989, the average cost was only $2,200. Health care has become big business and big government, and patients are further removed from their doctors. Decisions that should be made between doctors and patients are now being decided many times by somebody else. Rising costs affect everyone: patients, doctors, and even small businesses that can no longer afford health insurance for their employees.

Regardless of who pays, patients should have a choice when it comes to their health care, plain and simple. H. Res. 215 would do just that. As we move forward, we must be on the patients' side; they know what is best for themselves.

PROTECT OUR NATION

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

Mr. PALLONE. Mr. Speaker, the House Republican leadership pulled the intelligence authorization bill from the floor today because the leadership here is doing the dirty work of Defense Secretary Rumsfeld.

We all know that Rumsfeld was against the intelligence reforms that the 9/11 Commission suggested, and now he is trying to prevent those reforms from moving forward. The Republican leadership is keeping the intelligence bill from coming to the floor today because Secretary Rumsfeld does not want to give up any intelligence control to new Intelligence Director Negroponte.

Let us be clear, Secretary Rumsfeld and the Republican leadership are preventing intelligence reform that could make our Nation safer than it is today.

The 9/11 commissioners warned us earlier this week that time is not on our side. It is time the House Republican leadership stops listening to Rumsfeld and starts listening to the 9/11 Commission so we can finally begin to protect our Nation.

SHELF LIFE FOR PRESCRIPTION DRUGS

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

Mr. MURPHY. Mr. Speaker, so often people come to this Chamber and say the way we deal with health care costs is to change who pays. What we need to talk about is what we are paying for.

The Department of Defense Extended Shelf Life Program evaluated over 312 drug products and found that even though they were given a date of shelf life, many of them maintain their stability, safety and potency up to as much as an additional 107 months past their expiration dates.

For the $3.9 million the military spent on stability testing on expired drugs, it saved $263 million. These are savings worth exploring, and I would urge my colleagues to support careful scientific review of expiration dates for prescription drugs and ask if the savings gained by the military can be applied to general health care spending.

My colleagues can learn more about these ideas for savings and health care by visiting my Web site at Murphy.house.gov and continue to change the way we look at health care to what we are paying for.

INDIANAPOLIS 500

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

Ms. CARSON. Mr. Speaker, I rise today to commemorate the 89th running of the greatest spectacular in racing, the Indianapolis 500 held at Indianapolis Motor Speedway.

Congratulations to the winner, Dan Wheldon of Andretti-Green Racing, whose victory was not an easy one. Wheldon's winning highlight was a dramatic pass of the sensational rookie Danica Patrick with only six laps left in the race.

Although Danica Patrick may not have won, she made history. Danica Patrick of Rahal-Letterman finished in fourth place, the best finish ever for a woman.

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She also had the highest starting position for a woman and was the first woman to lead a lap at the Indianapolis 500.

I would like to congratulate Dan Wheldon, Danica Patrick and the entire field of 33 drivers, their racing teams, the Indianapolis Racing League and the Indianapolis Motor Speedway for a spectacular race. Congratulations again.

ONE THING I KNOW FOR CERTAIN

(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, as a former small business owner, one thing that I know for certain is that there is not a nation on this earth that has ever taxed itself into prosperity. Raising taxes and increasing regulation absolutely does not create economic growth. It is a guarantee that you are going to get less of what you want. We know that by reducing regulation and reducing taxes that we see economic growth and we see jobs growth.

Mr. Speaker, America has now recovered economically from the tragedy of September 11. We have grown our economy out of recession and passed the tremendous blow on September of 2001, and we did it by reducing regulation and lowering taxes, by working to change the budget process, by reducing what the Federal Government spends, with the budget we have passed this year, by beginning to root out waste, fraud and abuse and being aggressive in that. In other words, we are working to make America competitive.

Mr. Speaker, I salute our Republican leadership for their commitment to this.

DISBAND THE CURRENT COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

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

Mr. WESTMORELAND. Mr. Speaker, in fairness to Members of this body who have been subjected to a cloud of suspicion over ethics allegations, I rise today to call for the House to disband the current Committee on Standards of Official Conduct and reconstitute it as a panel that can convene and hear the cases pending before it.

A report in the Washington Post today says the committee may be inactive for months and it may not take up politically charged accusations against a high-ranking leader until next year, which just happens to be an election year.

The Post says, ''Democrats are hoping to gain political advantage from investigations into DELAY's activities and overseas travel and his ties to lobbyist Jack Abramoff.''

Even the Democratic-friendly Washington Post sees the political calculations behind the minority's tactics.

The Committee on Standards of Official Conduct is stalled by a partisan logjam, and I see only one way to unplug it: reconstitute the panel with Members resolved to work together so that it can move forward with its work. If this good-faith effort fails again, the House needs to install a Republican majority on the committee so that the wheels of good government can turn once more.

Mr. Speaker, this body rescinded the ethics rules passed earlier this Congress to appease the minority's demands. Yet, the minority party continues to obstruct the objectives of the Ethics Committee at every turn.

I believe the Republican majority should pass whatever rules necessary so the committee can and will act fairly to hear the pending cases before it—cases that involve both Republicans and Democrats.

Members accused of violations deserve a chance to make their cases and perhaps clear their names.

WE MUST STOP THE BLOODSHED IN SUDAN

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I applaud the meeting between the Prime Minister of Britain and this administration.

If one thing has come out of that meeting beyond the need for the $50 billion for the restoration of the continent of Africa, it is that we must act now to stop the bleeding, the bloodshed and the brutality in Darfur and Sudan.

This week is the 10th year recognition commemoration of the million that died in Rwanda, and we are reminded that they died because of our nonaction, our inertia, our refusal to accept the fact that people were being brutalized and killed. The U.S. did not act.

It is important that military assistance be sent to Sudan now and that the President of Chad be included in this process for the 300,000 refugees that are languishing in Chad without any resources from around the world.

The United States must act, the Congress must act. A declaration of genocide has already been declared. Do we want another Rwanda on our hands, more blood, more bloodshed and loss of life? We cannot afford it. The African Union must be sent. We must stop the bloodshed in Sudan and return the people to their land.

JOBS AND THE ECONOMY

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

Mr. GINGREY. Mr. Speaker, I rise today to commend Congress on its successful, pro-growth economic agenda.

In the last month alone, the United States economy created 78,000 new jobs. Take the last 2 years into account, and our economy has created more than 3.5 million jobs.

Mr. Speaker, this growth can be partially credited to the good legislation Congress has passed, legislation that lowers taxes, lets Americans keep more of their hard-earned money, reduces unnecessary regulation, supports our small businesses, and, above all, it encourages economic growth.

Our policies are working. More Americans hold jobs today than ever before. Homeownership is at a near record level, with nearly 70 percent of American families owning their own homes. Small businesses continue to flourish, and our economy is showing steady growth.

Mr. Speaker, it is clear that our economic agenda is the right solution for American families. We will continue passing good legislation to build a stronger economy for all Americans.

PAYING TRIBUTE TO THE HON. HENRY HYDE AND THE HON. ILEANA ROS-LEHTINEN

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

Mr. FLAKE. Mr. Speaker, I rise today to pay tribute to the gentleman from Illinois (Mr. HYDE), the chairman of the Committee on International Relations, and also the gentlewoman from Florida (Ms. ROS-LEHTINEN), who worked with me yesterday to attach an amendment to the State Department authorization bill to allow some of the funding that we provide to the State Department to be spent on scholarships and other programs for Cubans.

For years, we have spent hundreds of millions of dollars at the State Department on public diplomacy programs that have helped individuals in countries transitioning to a democracy. Yet Cuba has been excluded from this. If there is any country that needs this help and a people that need this help, it is the country of Cuba.

So now the State Department has been directed to spend at least $5 million in Fulbright scholarships, Ben Gilman scholarships, Truman scholarships and others to bring worthy Cubans here to the United States to study and help reverse the tide recently of less contact with the Cuban people, to actually have more contact.

This is significant. Again, I pay tribute to the gentleman from Illinois (Mr. HYDE) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) for working with me on this.

AGRICULTURE APPROPRIATIONS AND COOL LEGISLATION

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

Ms. FOXX. Mr. Speaker, I rise today to acknowledge the important work this body undertook last night by passing the fiscal year 2006 Agriculture Appropriations Act. This bill took an important step toward helping the farmers of America and my district in North Carolina. Farmers are the backbone of our communities, and we must provide the resources they need. My colleagues and I worked hard to exercise fiscal restraint on this bill without cutting those programs crucial to helping farmers. I feel strongly the bill we passed yesterday did just that.

I would also like to thank this body for voting to uphold a provision that delays the country-of-origin labeling process until it can be dealt with correctly, through current proposed legislation. This delay will allow my colleagues and me on the House Committee on Agriculture time to complete our work on H.R. 2068, the Meat Promotion Act of 2005 sponsored by the gentleman from Virginia (Chairman GOODLATTE).

H.R. 2068 will establish a market-driven, cost-effective, voluntary COOL program for meat such as beef, poultry and pork.

PRODUCTIVITY OF THE 109TH CONGRESS TO DATE

(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, with all of the negative press these days, one of the big stories that has been missed is how productive this Congress has been since the first of the year. In fact, this may be one of the most productive Congresses this country has seen since the Second World War.

Let me go through with my colleagues very quickly the 20 pieces of major legislation we have passed this year and the five appropriations bills we have passed since the beginning of the year.

We passed a class action fairness bill. We passed a highway bill and energy bill and our budget and the Real ID Act, which will strengthen our borders, and a bill for broadcast decency. We passed a continuity of the Congress bill, gang deterrence, funding for first responders, vocational and technical funding, homeland security. We have repealed estate tax for the second time, spyware prevention, bankruptcy bill, core blood registry, stem cell funding, restrictions on interstate transport for minors seeking abortions, job training.

Under appropriations, Homeland Security, Interior, funding for the military quality of life and the Agriculture bill yesterday, plus the supplemental earlier in the year, a tremendous record of accomplishment that this Congress could be proud of on a bipartisan basis because most of those bills did pass with a significant number of Democratic votes.

WITHDRAWING APPROVAL OF THE UNITED STATES FROM AGREEMENT ESTABLISHING THE WORLD TRADE ORGANIZATION

Mr. SHAW. Mr. Speaker, pursuant to House Resolution 304, I call up the joint resolution (H.J. Res. 27) withdrawing the approval of the United States from the Agreement establishing the World Trade Organization, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The text of H.J. Res. 27 is as follows:

H.J. RES. 27

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress withdraws its approval, provided under section 101(a) of the Uruguay Round Agreements Act, of the WTO Agreement as defined in section 2(9) of that Act.

The SPEAKER pro tempore (Mr. REHBERG). Pursuant to House Resolution 304, the gentleman from Florida (Mr. SHAW), the gentleman from Maryland (Mr. CARDIN), the gentleman from Texas (Mr. PAUL), and the gentleman from Vermont (Mr. SANDERS) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. SHAW).

GENERAL LEAVE

Mr. SHAW. 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.J. Res. 27, the joint resolution under consideration.

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

There was no objection.

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

Mr. Speaker, this morning the House considers the withdrawal of the United States from the World Trade Organization. I strongly oppose this resolution and urge my Members to join me in this opposition.

As a member of the World Trade Organization, the United States is one of 148 member countries. Our role in this global body is tremendously important, not only for the future of the United States trade but for the continuation of global trade liberalization.

As the world's leading economy, the largest economy that has ever been on the face of this earth, we all too often focus our attention on the aspects of trade we disagree with. When Members of Congress meet with our international counterparts, we spend a large amount of time discussing specific trade barriers and little time supporting the broad range of cooperation and successes that we may share.

Continued membership in the World Trade Organization will allow the United States the opportunity to continue cooperating as we work towards free trade benefiting United States consumers, farmers, manufacturers and firms.

Currently, the World Trade Organization is negotiating the Doha Round. Congress has been deeply involved with the administration as the Round continues to move forward. It is tremendously importantly that we remain active in these negotiations and push for a completed Doha.

Finally, I congratulate Mr. Pascal Lamy of France on his selection as the new World Trade Organization Director General. I am hopeful his abilities will enable the World Trade Organization to balance the concerns of its members. I look forward to working with him in the future.

Finally, Mr. Speaker, it is my strong view that the United States greatly benefits from our continued participation in the World Trade Organization.

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

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

Mr. Speaker, let me begin by mentioning that this is a tripartisan resolution, and I want to thank our cosponsors: the gentleman from Oregon (Mr. DEFAZIO), the gentleman from Tennessee (Mr. DUNCAN), the gentleman from Arizona (Mr. GRIJALVA), the gentleman from Indiana (Mr. HOSTETTLER), the gentleman from North Carolina (Mr. JONES), the gentleman from Ohio (Mr. KUCINICH), the gentleman from Texas (Mr. PAUL), the gentleman from Wisconsin (Mr. SENSENBRENNER), the gentleman from Michigan (Mr. STUPAK) and the gentleman from Colorado (Mr. TANCREDO). I thank them very much for their support.

Mr. Speaker, I do not have any great illusions that this resolution will win today. When the gentleman from Texas (Mr. PAUL) offered it 5 years ago, it only received 56 votes. I hope, however, that as many Members as possible will vote for it today for one simple reason. It is time to send the Bush administration a message and a wake-up call that our current trade policies have failed and need to be completely rethought so that they represent the needs of the middle class and working families of our country and not just the CEOs of large corporations.

Mr. Speaker, international trade is a good thing, if implemented properly, but the evidence is overwhelming that our current trade policies, including NAFTA, including permanent normal trade relations with China, and the current roles of the WTO are not working for average Americans, they are not working for the environment, and they are not working for human rights. If we do not fundamentally change those policies, we can only expect more of the same.

The WTO was signed in 1995, and our current support of unfettered free trade has gone on for some 30 years. And what has been the result of those policies for the middle class of this country? Let us discuss it.

In a period in which technology has exploded, in a period in which worker productivity has significantly increased, we would think that the middle class would be better off.

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But the economic reality today is that what every American knows is that the middle class of this country is collapsing. Poverty is increasing, and the gap between the rich and the poor is wider today than at any time since the 1920s. Are our disastrous trade policies the only reason for this? No. But they are an extremely important part of that equation, and that is for sure.

Mr. Speaker, in 1995 when the WTO was established, our trade deficit was $96 billion. Today our trade deficit is a record-breaking $617 billion and is on pace to become $700 billion next year. Our trade deficit with China alone is $162 billion.

Mr. Speaker, while some of my colleagues are going to extol all of the wonderful virtues of unfettered free trade, perhaps they can explain why in the last 4 years alone we have lost 2.8 million good-paying manufacturing jobs, one out of six in this country. One out of six in the last 4 years. In my own small State of Vermont, we have lost 20 percent of our manufacturing jobs in the last 5 years. Many people know

that General Motors has just announced they are going to lay off another 25,000 American workers. GM is producing cars in China, and there is some reason to fear that in 10 or 20 years, Detroit and automobile production in this country will be diminished as car manufacturing moves to China.

When my friends come up here and they tell us how great free trade is for our economy, I want them to explain why real inflation accounted for wages in the United States today is 7 percent lower than they were in 1973 for the bottom 90 percent of workers. And why is it that million of workers today in Vermont and throughout this country are forced to work two or three jobs just to keep their heads above water if free trade and globalization are all so great?

When my friends talk about the so-called robust economy that has been created, perhaps they can explain to us why 4 million more Americans now live in poverty than just 4 years ago, 4 million more Americans in poverty; and why incredibly there are 24,000 fewer private sector jobs now than when George Bush first took office. If our trade policies are so successful, how could we have experienced an unprecedented net loss of private sector jobs over the last 5 years? The only new net jobs that have been created by the Bush administration have been government jobs, 917,000 of them. Maybe the Republican Party is becoming the party of big government and creating government jobs, but certainly it has not been private sector jobs that free trade is supposed to create.

Today the gap between the rich and the poor is growing wider. The richest 1 percent of our population now own more wealth than the bottom 90 percent, and unfettered free trade has only made that worse. The gap between the rich and the poor more than doubled from 1979 to 2000. According to the Institute for International Economics, 39 percent of the increase in income equality is due to unfettered free trade.

Further and most ominously, if our present trade and economic policies continue, the likelihood is that the next generation will be the first in the modern history of the United States to have a lower standard of living than we do. According to a recent report from the Department of Labor's Bureau of Labor statistics, over the next decade, seven out of the 10 fastest-growing occupations will be low-paying, low-skilled jobs that do not require a college education. Is that what free trade is giving to our kids, jobs at Wal-Mart, jobs at McDonald's, while the General Motors jobs, the General Electric jobs are going to China?

Mr. Speaker, it is not only blue collar jobs that we are on the cusp of losing. Millions of white collar information technology jobs are also on the line to go to China and India. Andy Grove, the founder of Intel, predicts that the United States will lose the bulk of its information technology to jobs to China and India within the next decade.

Mr. Speaker, the bottom line of this debate, and I want my friends to answer this, is that American workers should not be asked to compete against desperate people in China who make 30 cents an hour and who go to jail when they stand up for their political rights. That is not what we should be engaged in. The race to the bottom has been a disaster for the middle class.

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

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

Mr. Speaker, let me first point out to those who may be following this debate why we are here today. I am sure people are wondering why we have a resolution on the floor that would withdraw us from the WTO and how that comes to the floor from a recommendation of the committee of jurisdiction that it be reported unfavorably, that is, that we vote against this resolution.

The reason we have this resolution before us is that 10 years ago we passed legislation to gain access to the WTO. At that time Bill Clinton was the President of the United States. Congressman Gingrich thought it was important that because the legislative branch of government is the branch responsible for trade that there be a review process every 5 years as to whether we should remain within the WTO, to give Congress the ability to exercise its constitutional responsibility to oversight and be responsible for trade. At that time, Mr. Speaker, I must tell the Members I had certain concerns as to why we would want to have basically a nuclear option in pulling out from the WTO.

Today, I am pleased that we can review the WTO because I think it is important for us to have a debate as to where we are in the WTO. I would suggest, though, we should have a more sophisticated review process than just to vote to withdraw from the WTO. As the ranking Democrat on the Trade Subcommittee working with the gentleman from Florida (Mr. SHAW), we very much oppose this resolution and urge the rejection of the resolution. We believe it is in the interest of the United States to be in a rules-based trading system and to withdraw from a rules-based trading system would be folly, it would be wrong. Do we need to improve it? Yes, we do need to improve the WTO. Can we strengthen it? Yes, we need to strengthen it.

Quite frankly, I think that we should be working more aggressively with our trading partners to enforce our existing trade rules. When we see the manipulation of currency by China and we take no action against it, that is wrong. When we see other countries infringe on our intellectual property rights and we do not enforce our existing rules to make sure that we do not allow the stealing of our intellectual property rights, that is wrong. When we see Europe provide subsidies for everything from aircraft to agriculture products and we do not take efficient action against them, that is wrong. When we do not enforce our own anti-dumping laws which are permitted to be enforced to stop the surge of products into this country, that is wrong.

So, Mr. Speaker, I do think we need to strengthen these laws, but it would be wrong for us to withdraw. We want a rules-based system, but we want to strengthen that system.

Mr. Speaker, quite frankly, I think we should be spending more time talking about the Doha Round. That is the next stage of trying to move internationally under the WTO to expand opportunity for American manufacturers, farmers, and producers. The so-called Doha Development Agenda negotiations have reached a critical phase. It is generally agreed that in order to have a successful meeting of the ministers this December in Hong Kong, the members of the WTO will have to come to a significant level of agreement by July on three key areas.

First, agriculture. I must tell the Members I am concerned we have not made anywhere near the progress on agriculture that we need to do. I welcomed the announcement last week that the next director-general of the WTO will be Pascal Lamy, the former trade commissioner of EU, who comes from France. Obviously, Mr. Lamy will have a special burden to demonstrate that he can make progress in this area where the European Union has been so outrageous in its subsidies. We need to narrow that gap. We will wait to see whether, in fact, that can be accomplished.

The second area is in manufactured goods. There are two challenges here: tariff reductions particularly by the advanced developing countries and the elimination of the so-called nontariff barriers, the NTBs. And in both of these areas, much work remains to be done if we are going to have a successful Doha Round. I am particularly concerned about the negotiations on the NTBs which lie far behind at this time. This is a critical area for U.S. manufacturing, particularly in large markets such as Japan, Korea, and China.

And, finally, in the area of services, we are far behind where we should be in expanding opportunity for services by U.S. companies in other markets. I hope that our negotiators will be able to make up for lost time in the next couple of months so that an ambitious services package will be approved in Hong Kong.

There is one other area I want to mention, Mr. Speaker, as we review our participation in the WTO, and that is the dispute settlement system. The dispute settlement system is absolutely critical to a successful WTO. I must tell the Members I have major concerns as to how the dispute resolution system is working within the WTO. Under the old GATT system, silence in an agreement meant that a country could do what it deemed appropriate.

Under the decisions of the appellate body and the panels of the WTO, silence has been altered to mean that the appellate body and panels do what they think is appropriate. That is just wrong.

The number of cases are disturbing. In 33 cases brought against the United States since 1995, panels or the appellate body have overreached, overreached, in 22 of them. That is two-thirds. We need to have a way to review what the appellate body and dispute resolution panels are doing, and we are not doing that.

The consequences of this overreaching are clear. In 10 years the WTO has not affirmed a single safeguard measure as applied by the United States or any other country. In trade remedy cases involving the United States, anti-dumping duties, countervailing duty measures, and safeguard cases, the WTO has upheld the United States decision in two of 17 cases. That is an 88 percent loss ratio, clearly one that we need to take a better look at.

A growing number of observers are coming to recognize that the extraordinary loss rate is because the WTO panels and its appellate body do not respect the letter of the WTO agreements and are filling in the gaps beyond what the U.S. negotiators agreed to in the Uruguay Round.

Mr. Speaker, I mention this because this is another area that we have to make up for lost ground in our negotiations under the WTO. So make no mistake about it, we should reject this resolution overwhelmingly because it is in the interest of the United States to participate in a rules-based international trading system. I represent a community that includes the port of Baltimore. I want products coming into the United States. I also want products leaving the United States through the port of Baltimore. It is important for our economy. But we have to do a better job in our negotiations within the WTO, and that is what we need to concentrate on. That is what we need to work together on. And if we do that, it will be a win-win for this Nation. We will be able to increase jobs through manufacturing, through production, and through farming.

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

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

Mr. PAUL. Mr. Speaker, I first yield 3 minutes to the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Speaker, I thank the gentleman from Texas and the gentleman from Vermont (Mr. SANDERS) for bringing this joint resolution to the floor.

Mr. Speaker, I come to the floor today because I believe that WTO membership has been a disaster for the U.S. worker. Since WTO, 1995, America's annual trade deficit grew from $96 billion to $617 billion. My home State of North Carolina has lost over 251,000 manufacturing jobs. The United States has lost over 2.9 million manufacturing jobs.

Mr. Speaker, it was not too long ago that, I did not vote for it, but we gave trade promotion authority to the President of the United States. I was opposed to it when Mr. Clinton asked for it. I was opposed to it when Mr. Bush asked for it. And let me tell the Members what has happened since trade promotion authority, August of 2002.

□ 1045

North Carolina has lost over 52,000 manufacturing jobs, and the United States has lost over 600,000 manufacturing jobs.

Let me take just a moment to talk about how WTO membership strips American sovereignty. If the United States does not change its laws to suit WTO, then America's businesses and consumers face trade sanctions. Trade disputes are decided by international panels that are hand-picked by the WTO. The identities of panel members are kept secret, and deliberations are kept confidential. These WTO panels have ruled in favor of the United States less than one-third of the time. They have ruled in favor of the United States less than one-third of the time.

WTO panel rulings go far beyond trade. In fact, the WTO panel recently found a Utah law prohibiting Internet gambling to be illegal. What will the WTO do next?

Let me quote from Robert Stumberg, a trade law expert at Georgetown University, from Business Week, March 7, 2005. I quote: ''If Bush successfully engineers the introduction of private Social Security accounts, WTO rules would require the feds to let foreign money managers and insurers bid to manage them.''

How far do we have to go before we give up the sovereignty of this Nation? I do not know about you, Mr. Speaker, but I think letting the Chinese manage American Social Security accounts is a bad idea. Unfortunately, under WTO, there is little we can do to prevent it. We have already outsourced 1.5 million jobs since 1989 to the Chinese. We do not need to give control over to the Chinese of Social Security accounts in America.

Mr. Speaker, before I close, I want to make a real quick point. On my right, this chart shows on July 31, 2003, in North Carolina we lost 6,450 jobs. It says, ''Five North Carolina plants close in the largest single job loss in the State's history.'' Just 3 weeks ago, Mr. Speaker, a plant in my district announced that 445 jobs would be going overseas.

Mr. Speaker, I close by asking my colleagues that care about the American workers and care about the sovereignty of America to please join us in this effort.

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

Mr. Speaker, I rise in strong support of our position to remove ourselves from the WTO. My economic position is somewhat different from some of my allies, because I come at it from a free trade position.

I happen to believe in minimum tariffs, if any, but I do not believe that the process of the WTO and world government is a good way to do it. I do not think the WTO achieves its purpose, and I do not think it is permissible under the Constitution. Therefore, I strongly argue the case that, through the process, that we should defend the position of the Congress which gives us the responsibility of dealing with international trade, with international foreign commerce. That is our responsibility. We cannot transfer that responsibility to the President, and we cannot transfer that responsibility to an international government body.

Therefore, there are many of us who ally together to argue that case, although we may have a disagreement on how much tariffs we should have, because the Congress should decide that. We could have no tariffs; we could have a uniform tariff, which the Founders believed in and permitted; or we could have protective tariffs, which some of those individuals on our side defend, and I am not that much interested in. But the issue that unifies us is who should determine it. For me, the determination should be by the U.S. Congress and not to defer to an international government body.

Now this always bewilders me, when my conservative friends and those who believe in limited government are so anxious to deliver this to another giant international body. For instance, the WTO employs over 600 people. Free trade, if you are interested in free trade, all you have to do is write a sentence or two, and you can have free trade. You do not need 600 bureaucrats. It costs $133 million to manage the WTO every year. Of course, we pay the biggest sum, over $25 million for this, just to go and get permission or get our instructions from the WTO.

We all know that we raised taxes not too long ago, not because the American people rose up and called their Congressmen and said we wanted you to repeal this tax and change the taxes. It was done in order to be an upstanding member of the WTO. We responded and took instructions from the WTO and adapted our tax policy to what they desired.

One other issue that I think those who defend the WTO and call themselves free traders ought to recognize is that when we concede the fact that there should be a trade-off, it means they really do not believe in free trade. If you believe in free trade and the people have the right to spend their money the way they want, it would be as simple as that. It would benefit that country, because you could get your goods and services cheaper.

But this whole concession to the management of trade through the WTO says, all right, we are going to do this if you do this, and it acknowledges the

fact that free trade does not work unless you get something for it. That may be appealing to some, but a free trader should not argue that way. Because free trade, if it is a benefit, it is simply a benefit.

In the 1990s when the WTO was originally passed, the former Speaker of the House made a statement about this. I want to quote from him. This is from Newt Gingrich. He was talking about the WTO: ''I am just saying that we need to be honest about the fact that we are transferring from the United States at a practical level significant authority to a new organization. This is a transformational moment. I would feel better if the people who favor this would be honest about the scale of change. This is not just another trade agreement. This is adopting something which twice, once in the 1940s and once in the 1950s, the U.S. Congress rejected. I am not even saying that we should reject it. I, in fact, lean toward it. But I think we have to be very careful, because it is a very big transfer of power.''

I agree with Newt Gingrich on this. It was a huge transfer of power. I happen to believe it was an unconstitutional transfer of power; and, therefore, we are now suffering the consequences because we have lost prerogatives and control of our own trade policy.

Now the President of the Ludwig von Mises Institute, a free market think tank, from Auburn, Alabma said, ''The World Trade Organization is supposed to be the great apparatus to push the world to greater economic integration. In reality, it was nothing but the resurrection of the old central planning fallacy that the world needs a central authority to manage it. The WTO has ended up politicizing trade by putting the stamp of officialdom on some very bad policy.''

So my message is to appeal to those who believe in limited government, free markets, free trade and the Constitution. I appeal to those who want to use tariffs in a protective way because they defend the process. But I am really appealing to the conservatives who claim they believe in free trade, because I do not believe what we have here is truly free trade.

The WTO has already been able to influence our tax laws. Not too long ago, Utah repealed a ban on electronic gambling for fear the WTO would come in and find that violated free trade.

Another area of importance to so many of us, both on the left and the right of the political spectrum, has to do with the Codex Commission regulation set up by the United Nations. How much regulation are we going to have on vitamins and nutrition products? The UN already indicated the type of regulation. Guess who may, most likely, be the enforcer of these regulations? It will be the WTO. The Europeans have much stricter regulations. This means that some day the WTO may well come to us and regulate the distribution of vitamins and nutritional supplements in this country, something that I do not think we should even contemplate. The case can be made that if they have already pressured us to do things, they may well do it once again.

Our administration is not too interested in the Kyoto Protocol, but that may well come down the road, and the enforcement of the Kyoto Protocol many believe will be enforced by the WTO.

So this is big government, pure and simple. It does not endorse free trade whatsoever. It endorses managed trade; and too often it is managed for the privileges of the very large, well-positioned companies. It does not recognize the basic principle that we should defend as a free society individuals ought to have the right to spend their money the way they want. That is what free trade is, and you can do that unilaterally without pain and suffering.

So I ask Members to consider, why should we not reclaim some of our prerogatives, our authorities, our responsibility? We have given up too much over the years. We have clearly given up our prerogatives on the declaration of war, and on monetary issues. That has been given away by the Congress. And here it is on the trade issue.

I can remember an ad put out in the 1990s when the WTO was being promoted and they talked directly, it was a full page ad, I believe, in the New York Times. They said, ''This is the third leg of the new world order.'' We had the World Bank, we had the IMF, and now we had the World Trade Organization.

So if you are a believer in big government and world government and you believe in giving up the prerogatives of the Congress and not assuming our responsibility, I would say, go with the WTO. But if you believe in freedom, if you believe in the Constitution and if you really believe in free trade, I would say we should vote to get out of the WTO.

Mr. Speaker, I ask unanimous consent that my remaining time be allotted to the gentleman from Vermont (Mr. SANDERS) and that he be able to control that time.

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

There was no objection.

Mr. CARDIN. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Louisiana (Mr. JEFFERSON), a distinguished member of the Committee on Ways and Means.

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

Mr. Speaker, I rise today to stress the importance of our country's participation in the World Trade Organization. Right now, it seems this resolution is destined for rejection. But addressing it today does give us a much-needed opportunity to focus on the WTO and how the U.S. can maximize its membership for the benefit of U.S. firms, workers and farmers.

The success of U.S. participation in the WTO should be measured by our ability to liberalize markets and set fair trade rules for all WTO Members. Clearly, the United States has benefited greatly from its WTO membership and plays a leading role in shaping the way the world trades today.

Since the creation of the WTO, U.S. exports and overall trade have expanded significantly, with a $283 billion or 64 percent increase in U.S. manufacturing exports; a $139 billion or a 70 percent increase in U.S. services exports; and an $18 billion or 39 percent increase in U.S. agricultural exports.

Once WTO agreements are set and commitments are made, however, it is crucial that the U.S. ensure that the countries involved live up to their part of the deal. This is where we have fallen short.

Here, the U.S. has several concerns, such as China's failure to follow through with its commitments to ensure that domestic and foreign firms can distribute products within that country as of December 2004; many countries have failed to meet their TRIPS commitments and have not effectively enforced intellectual property rights and the protection of data privacy; there is concern regarding the establishment of standards, licensing and customs barriers, including the EU's customs procedures and its proposed new chemical regulations; and there is concern about the continued proliferation of many agricultural barriers, such as the unscientific barriers to many agricultural products in Europe, China and elsewhere.

The United States should continue to insist that all WTO members implement the WTO agreements in a timely and comprehensive manner.

Like many of my colleagues, I hope the WTO will successfully conclude the Doha Development Round and continue to contribute to the dynamic global marketplace as a growth engine for WTO member economies.

However, in the Doha Development Round, many developing countries expressed concerns regarding implementation of some commitments, and they have sought extensions and delays. Here, technical assistance and support for capacity building are critical tools needed to advance implementation goals.

I will continue to work with my colleagues on the Committee on Ways and Means and in the Congress to ensure that the U.S. provides technical support and capacity building measures to assist developing countries in meeting their WTO commitments.

□ 1100

If trade is to be a tool of development and growth for our developing-country trading partners, we must play a central role in helping the WTO facilitate compliance with member obligations. I stress this today because I want our new USTR Ambassador Portman to know that this is and should always be

a priority for the United States at the World Trade Organization.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume. A lot of astounding remarks have been made since I stood up here and introduced this resolution, in the negative. There are a couple of things I think we need to really talk about.

What has been the economic growth of the United States? How fast is our economy growing? It is growing at the rate of 4 percent. How fast is the economy in Europe growing? It is 1 percent. How fast is the European economy growing? It is 1 percent. The China economy is growing at 9 percent, but let us look at what that means. Nine percent of the Chinese economy is less than 4 percent of our economy. So I can say with all certainty that we have, in terms of dollars, the fastest growing economy in the world. No question about that.

And of this economy, what percentage is exports? It is 25 percent. Are we not concerned about those jobs? And when we talk about the loss of jobs in the United States, we are not talking about a net loss; we are talking about, yes, there has been some loss of jobs and, yes, a lot of these jobs have been because of foreign competition, yes. But our economy has grown in other areas, so it has also created jobs. If we look at just the jobless rate of where we are now and where we were a few years ago, we are doing pretty darn good. If we look at the world economy, we are doing really good.

So why would we want to send a message to the administration by attempting to throw the world economy into chaos? It makes absolutely, absolutely no sense.

Mr. Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Speaker, I thank the gentleman from Florida for yielding me this time, and I want to associate myself with his remarks, and I appreciate his leadership on this.

Mr. Speaker, I rise in opposition to the resolution calling for the U.S. withdrawal from the World Trade Organization.

The WTO is the most important international organization that governs world trade. Decisions are made by the member countries. The WTO has 148 members and 31 observer governments, many of those, most of those are applicants for membership. Its members represent over 95 percent of world trade. Trade agreements administered by the WTO cover a broad range of goods and services trade and apply to virtually all government practices that directly relate to trade; for example, tariffs, subsidies, government procurement, and trade-related intellectual property rights.

U.S. membership and leadership in the World Trade Organization is essential. It is definitely in our national and our political and our economic interests to continue to be a member. Our membership translates into real economic growth in this country, as the gentleman from Florida very correctly said. During the 10 years of U.S. participation in the WTO, international trade and investment have been important forces driving our impressive economic growth. Over that period, trade accounted for one-quarter of all U.S. economic growth and supported an estimated 12 million jobs. Furthermore, trade promotes economic competition, which keeps inflation low.

Now, let me take just one moment to rebut an all-too-often made allegation against U.S. membership in the WTO, namely, that membership is a violation of U.S. sovereignty and the U.S. Constitution. WTO dispute panels cannot overturn or change U.S. Federal, State, or local laws. They have no authority to change a U.S. law or to require the United States or any State or local government to change its laws or decisions. Only the Federal or State governments can change a Federal or State law.

If a U.S. law is inconsistent with the WTO, our trading partners may withdraw trade benefits of equivalent effect. However, under trade agreement rules, the United States retains complete sovereignty in its decision of how to respond to any panel decision against it. That was made abundantly clear the last several years as Congress grappled with changes to our corporate tax structures for foreign sales corporations, or FSC, to accommodate commitments we have made to our trading partners. Only Congress could make those changes to the law as we grapple, and we grappled, with that.

Those who falsely portray the WTO as a violation of U.S. sovereignty are ones who simply want an unfettered ability to preserve or create more protectionism.

I urge my colleagues to vote against this resolution and to continue the U.S. membership in the World Trade Organization.

Mr. SANDERS. Mr. Speaker, I am happy to yield 3 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, the economic disaster wrought by a radical free trade policy on the working people of America is well documented, but I am going to focus on another aspect of this WTO agreement that the previous gentleman spoke about. He said that the secretive dispute resolution panel, which has no conflict-of-interest rules, does not allow outside interveners, only allows the two representative governments into the room, and deliberates secretly and comes up with a binding, a binding, decision and cannot change U.S. laws.

Now, I raised this issue with the Clinton administration when they negotiated this misbegotten agreement; and I said, How can you enter us into an agreement where secretive panels can preempt our laws? They said, oh, you do not understand, you are wrong, just like the gentleman before me. Yes, it is technically true, they cannot reach into the United States and change a law. We can, if they find our rule to be non-WTO compliant, which they have more than 90 percent of the time when complaints are brought against the United States of America, we have an option. We can repeal the law, or we can pay a fine to keep it, a huge fine, in many cases. So environmental protection, consumer protection, buy America, buy Oregon, buy your State, all of those things, we can have those laws. That is right. He is technically right. We just have to pay massive penalties to foreign governments to keep them.

This is an extraordinary undermining of the sovereignty of the United States of America and the interests of the American people. This is not about free trade; this is about corporate-managed trade through a secretive body which is dominated by those very same corporations and many dictatorial governments around the world; and the U.S. is bound by their secretive decisions. This is absolutely outrageous.

To date, the WTO has ruled U.S. policies illegal 42 out of 48 cases, 85.7 percent that has been brought against us. They ruled illegal regulation issued under the Clean Air Act; the United States Tax Code; laws to protect companies from unfair dumping or subsidized foreign products, among others. And it is true. We can keep those laws if we are willing to pay massive fines to keep them.

Now, what kind of sovereignty is that? Next in their sights are buy America laws, those referenced by the gentleman from the Carolinas. What he said is he does not want to see a Social Security program administered from China. Now, people would have thought that was a weird thing to say. No. The WTO requires we cannot discriminate in terms of who the vendors will be. In fact, homeland security can be provided by the Chinese, or maybe even by Iran, under the rules of the WTO. Will that not be just peachy?

This is an extraordinarily radical agreement which we do not need. The U.S. did just fine as the greatest trading Nation in the world with bilateral agreements. We can go back to that system, and we can do better than we are doing under this so-called rules-based system.

Mr. SHAW. Mr. Speaker, just one moment, I think, to respond to the gentleman who was just in the well, and that is in the 10 years that we have been members of the World Trade Organization, our environmental laws have never been challenged, have never been challenged, nor will they.

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

Mr. CARDIN. Mr. Speaker, I am now pleased to yield such time as he may consume to the gentleman from Michigan (Mr. LEVIN), the former ranking Democrat on the Subcommittee on Trade, one of the senior members of the committee on Ways and Means.

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

Mr. LEVIN. Mr. Speaker, I rise in opposition to the proposal that we withdraw from the WTO. I urge that we look at this basic question: on balance, would we be better off if there were not a WTO? And I think the answer to that is we would not be.

Expanded trade has occurred in this country and in this world. It is not a win-win proposition, as some people like to say. There are losers as well as winners, both individually and in nations. It is not an easy proposition, expanded trade. However, globalization is here to stay. There is no turning back the clock. The question is to try to make the hands tick well and in the right direction.

There has been some argument about sovereignty. It is not true that WTO decisions do not impact U.S. laws. That is not true. I supported the GATT agreement; I helped to shape the implementation language. Did it have some impact on U.S. laws? Yes. Were there some requirements that U.S. laws be changed? Yes. By definition, tariff agreements require changes in laws here and everywhere else, unless they are decreed by edict. The WTO changed from GATT, and so now there is a final dispute settlement mechanism. I think on balance that was a good idea because, otherwise, every country could veto, and that was not workable.

But we have to look at the problems as well as the promise, the problems as well as the achievements.

The dispute settlement system is flawed. The answer is not to withdraw from the WTO; it is to work hard to change the dispute settlement system. As was said earlier, it is very opaque, that is true. There is not an openness that there should be; and when it comes to our safeguard provisions that many of us worked hard to put into law, the gentleman from Maryland (Mr. CARDIN), who is the ranking member, was part and parcel of that, as well as the gentleman from New York (Mr. RANGEL), and those on the Republican side, we worked hard to put safeguards in. Every challenge to safeguards has been upheld by the WTO. We have lost every case. We have not known what went into the consideration of the decision fully, we did not see all the briefs, and we did not know the basis for the decisions, in many cases. In some cases they went beyond the language of the WTO agreements.

A Wall Street Journal article earlier this month had this statement about panelists: ''They don't have time to develop expertise and procedural and technical aspects of the dispute settlement system.'' And we are going to have them judge the Boeing, the complicated Boeing case, for example? We need to change, and work harder to change, the dispute settlement system, not to withdraw from the WTO.

So there are some major structural problems.

Also, relating to China, I have been very dissatisfied with the way the WTO has handled the annual review of China's obligations that we worked so hard to bring about. Part of the problem is with the WTO in Geneva, part of the problem has been our administration that has not vigorously, and the gentleman from Maryland (Mr. CARDIN) has worked so hard to illustrate this, the administration has not worked actively enough to get China to live up to its agreements. So more needs to be done by the administration, and we have been losing too many cases, and we have been filing too few cases.

So my suggestion is that we focus today on the accomplishments, but also the barriers, to effective operation of the WTO.

□ 1115

One issue the WTO has totally failed to address relates to core labor standards. On environment, they have kind of a group that looks at environmental issues.

On core labor standards, there has been resistance to address this. Years ago, there was a proposal by the Clinton administration to set up a working group within the WTO. That was resisted, resisted by many, including developing nations.

I think now, as developing nations have to compete with each other, including China, where labor standards essentially are nonexistent, those developing nations are beginning to say, well, maybe the WTO should address it. But it has not.

The argument was, okay, let us use bilateral agreements as building blocks in a number of areas, including core labor standards. And that is why I want to say just a few words now about the failure of this administration to use bilateral agreements effectively as a building block when it comes to basic core labor standards, the ILO labor standards, child labor, forced labor, nondiscrimination, and the right of workers to assemble, to organize, to have unions if they desire, and to bargain collectively.

CAFTA is a vital agreement in terms of where globalization is going. In Latin America, there is growing unrest and changes in government, in part because of the failure to have the large numbers of people, the largest proportion of people, share in the benefits of globalization.

So what did this administration do under these circumstances? It negotiates a standard, enforce your own laws. Enforce your own laws is only used as to core labor standards, not as to intellectual property or tariffs or anything else. And the tragedy of it is that the laws in Central America, to some extent the Dominican Republic, do not meet the basic standards giving people the freedom in the labor market. That is the basic fact. The ILO reports say so, despite what the administration tries to say. Their own State Department reports say that, despite what the administration and our new USTR, Mr. Portman, said this morning.

What is at stake is the development of a middle class that is so critical. And I am going to say more about this later today. The experience in countries is that workers are a critical part of the evolution towards a strong middle class.

There was a reference by Mr. PORTMAN to Jordan. And what he said, that CAFTA is stronger than Jordan, it is simply not true. It is not correct. Jordan has reference in its agreement to the core labor standards, that is not true of CAFTA. And the enforcement capability in Jordan was left to each country to undertake.

So I just wanted to comment on this, because the bilateral agreements were supposed to be a building block where the WTO did not address an issue; and there is a failure at this critical point of globalization, a critical missed opportunity in terms of helping the benefits of globilization being widely shared.

I want to close, and I will say more about this later today, why it matters to the U.S. It matters in terms of Central America, which, as I say, has such income disparities that are true of Latin America generally.

What it means is, as to Central America, if workers are not going to be able to participate, to have freedom, to be able to associate, to become a part of the workplace, and are going to remain in poverty, it is bad for those workers, it is bad for those countries that desperately need a middle class, it is bad for our workers who will not compete with countries where workers are suppressed, and it is bad for our companies if there is no strong middle class to purchase our products.

So I am deeply disappointed by this effort to skirt this basic issue at this important time. A building block? No, CAFTA moves backwards from the present status instead of moving forward. And this notion that we are going to give more money to our Labor Department to enforce the laws, when they are cutting the budget, this Congress and the administration, are cutting these moneys for ILAB and other parts of the Labor Department. You cannot pour money to enforce inadequate laws and have it work out well.

So, in a word, what we need is a trade policy built on a bipartisan foundation, which is not true today. What we need is a trade policy that helps move globalization forward, that makes sure that more and more people share in the benefits of globalization. Pulling out of the WTO is not going to accomplish that. Instead, we need to work together to make the WTO more responsive in all respects and also to make sure that our bilateral agreements meet the challenges that the WTO is not meeting today. On the latter, this administration continues to fail.

Mr. SHAW. Mr. Speaker, so that no one listening to this debate is confused,

this vote has nothing to do with DR-CAFTA, it has nothing to do with free trade, it is simply are we going to continue as part of the World Trade Organization.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. THOMAS), the Chairman of the Ways and Means Committee.

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

Mr. THOMAS. Mr. Speaker, I thank the gentleman from Florida (Mr. SHAW) on that clarification, because I find it kind of ironic, the fact that we are on a fundamental question, should the United States continue to belong to the World Trade Organization or not, complaining about degrees of differences in various pieces of trade legislation.

That is, in fact, how we got here in the first place. Prior to World War II, in fact, many historians argue the reason we got into the Great Depression as deeply as we did is because the United States chose to throw up significant tariffs and barriers to commercial interaction among nations.

Following World War II, there was an agreement that we should not do that again; and we created a rather imperfect agreement called the General Agreement on Tariffs and Trade. It was as good as we could get at the time. As we continued to operate under the General Agreement on Tariffs and Trade, with so-called rounds named after various cities, which has become a tradition now, the Uruguay Round, the Tokyo Round, the Rome Round, we decided that we need to move to another level, a higher level of integration and coordination; and that became the World Trade Organization.

The United States was somewhat frustrated, one, in our dispute resolution mechanism, and the problem was we were winning with no substantive result in those disputes. We thought we needed a better dispute resolution mechanism.

Marginally, the one we have today, I believe is better. Is it good? Not yet. As the gentleman from Michigan (Mr. LEVIN) indicated, I think there needs to be a much higher degree of transparency, especially on the resources used to research decisions. That will be an ongoing point of discussion.

But what is good primarily I think for the United States and the World Trade Organization restructure from the General Agreement on Tariffs and Trade is that agriculture became one of the points of discussion and importantly for the U.S. services and financial instruments and in the protection of intellectual property rights. Those were critical. These were, in essence, new additions; and we are continuing to try to expand those areas that countries sit down and discuss under a structure.

The decision today is, should that imperfect structure remain and we continue to work toward a better structure or should we simply withdraw? That really is not a difficult decision for most Members; and, overwhelmingly, we will agree to stay in the World Trade Organization when we vote on this particular measure.

But what you are hearing primarily are complaints and concerns that we have about the ongoing world trade relationship; and, heaven knows, I can wheel out all of my arguments as well. But, as correctly pointed out by the gentleman from Florida (Mr. SHAW), this is narrowly on the WTO issue.

But let me just select a couple of areas of trade action by the United States in the last several years.

First of all, under the Constitution, all trade-related activity with foreign countries is constitutionally the responsibility of Congress.

Now how many trade agreements do you think we would reach if we went to a country and said, come on in, negotiate with the House and the Senate, wait until we go through a conference committee in deciding what that agreement is going to be, and you ought to agree ahead of time before you see the final product?

Now, obviously, that led to a desire to restain the responsibility but provide the administration the ability to do the negotiating nation to nation. We are currently under the trade promotion authority structure. Can you imagine the World Trade Organization where every country has a veto, you can only to things by unanimous agreement, and how rapidly you can advance concerns that you have when the primary criteria is unanimity?

So one of the reasons we continue to use bilateral country-to-country relationships and regional agreements, in part, so that we do not get bogged down by waiting for the WTO, but also to a certain extent, since we believe in transparency, since this country is the most open large country of trade, import, export, of any in the world, that open markets all over the world are good.

So when you examine a bilateral agreement, for example, like the United States and Singapore, Singapore obviously is not too worried about agricultural product protection. They are worried about intellectual property rights. They are worried about services.

We were able to enter into an agreement with Singapore, the United States and Singapore, to set a mark for other countries on what is the best way to deal with those particular concerns; and that is down now as an agreement which we can point to as a model that we should move forward on dealing with other countries.

A regional agreement would be the Central American Free Trade Agreement, and what is left out of the discussion with CAFTA are just a couple of points I would like to mention.

One, before we decided to deal with the region, we told those countries, initially the five Central American countries, they had to deal with each other. That El Salvador, Guatemala, Honduras, et cetera, all had to come together as a region, which, first of all, is fundamentally significant. They are not looking at themselves as individuals. The final question was an individual one, but they looked at themselves as a region. Once they did that, we then entered into trade negotiations with them.

You need to know something about those trade relations. They were not driven by the Central American countries' desire to get into the U.S. marketplace. Normally, we can say an opportunity to get into the U.S. marketplace is a pretty good club in which we can get them to agree to various things we want them to agree to. Obviously, it is voluntary on both sides, but the incentive of getting into the U.S. market is a terrific reason to push the agreement probably farther than they would want, because the reward is getting into the U.S. market.

Not the case in Central America. We gave away the U.S. market for security, humanitarian reasons. Their products come into the United States tariff free already. If there is no CAFTA, their products still come into the U.S. market virtually tariff free.

Basically, what we are trying to do is open up the Central American market to U.S. goods and services where they have high tariffs. And when you negotiate freely, one of the things you cannot do is dictate to other people what it is that they are going to do internally in their country. You can set standards, you can cajole, you can create a mutual growth structure, you can bring money to the table to assist them in moving forward. That is basically what the United States does with the rest of the world on bilateral and regional agreements.

□ 1130

And the CAFTA agreement is good for the United States in terms of the economics of getting into the Central American marketplace so that we have a little more of a level playing field with other countries around the world. But it also is a chance for these fledgling and growing democracies to have the input of knowledge, training, and financial assistance in growing their responsible labor structure as well.

Most of this is tinted with ''protect America'' as the argument. America does not really need protection. America needs the opening of markets around the world in voluntary structures whether they be bilateral, regional, or multinational, as the WTO is. There will always be resistance. China coming into the WTO was a good thing. Are we having difficulties with them? Yes. Will they continue to have difficulties with themselves as they advance as the world's largest nation? Yes. But those discussions occur under a framework which over time has gotten better and will get better, especially with the United States leadership.

For the United States to walk away unilaterally from what is the best historical example of nations dealing economically in a meaningful and useful way makes no sense whatsoever. And that is why overwhelmingly the vote today will be ''no'' on withdrawing from the WTO. Does that resolve any of the ongoing difficulties we have in terms of our perception of the world, how fair the world is, how open markets in the world are, what instruments we need to use to try to push a more transparent and open marketplace, between countries, among countries, and in fact in all trading nations of the world? Of course not.

All of those issues will continue to be before us, but they will be before us in a structure which allows us to measure, allows us to judge, and most importantly allows us to change as the key competitive component between nations of the world today and tomorrow will be the question of trade. And ordered and structured competition is to the advantage of the United States. And that is why overwhelmingly you will see support staying in the WTO, nurturing and growing the WTO, notwithstanding the fact that we have a whole lot of concerns about a whole lot of issues.

Mr. SANDERS. Mr. Speaker, how much time remains?

The SPEAKER pro tempore (Mr. FOSSELLA). The gentleman from Vermont (Mr. SANDERS) has 38 minutes remaining. The gentleman from Maryland (Mr. CARDIN) has 8 minutes remaining. The gentleman from Florida (Mr. SHAW) has 12½ minutes remaining.

Mr. SANDERS. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I could hardly believe my ears to hear one of my colleagues say that America does not need protection from the WTO. We have lost almost 3 million manufacturing jobs. Tell that to those millions of families who have seen their lives destroyed by this trade structure which is based, inherently based, on inequality.

We have a $617 billion trade deficit. America does not need protection?

We have workers who are struggling to save their homes; but these trade agreements are causing jobs to be moved out and people do not have the opportunity to save their homes.

I have been all over this country, and I have seen padlocks on gates and grass growing in parking lots where they used to make steel, where they used to make cars, where they used to washing machines, where they used to make bicycles. America does not need protection?

Yes, it is time for us to get out of the WTO because the WTO has set the stage for a driving down of the quality of life in this country. Everyone in this House knows that we cannot write into our laws that workers' rights must be regarded, let us say, in China. I want someone here to contradict that because if we put that China must have the right to organize in any of their conduct of commerce in their country, that would be ruled WTO illegal and the United States would be subject to a fine or sanctions by the WTO just for standing up for workers' rights.

There is a moral imperative here, and that imperative is as old as this country. But it is also consistent with basic Christian morality, and may I quote from a Papal Encyclical, Leo XIII, 1891 in Rerum Novarum said, ''Let the working man and the employer make free agreement and in particular let them agree freely as to wages. Nevertheless, there underlies a dictate of natural justice more imperious and ancient than any bargain between man and man, namely, that wages ought not be insufficient to support a frugal and well-behaved wage earner if through necessity or fear of a worse evil the workman accept harder conditions because an employer or contractor will afford him no better. He is made a victim of force and injustice.''

I maintain that the WTO helps to keep in place a structure of force and injustice against workers because we in this country cannot pass laws that would lift the yoke of this force and injustice off workers anywhere in the world because the WTO does not permit, does not permit any type of workers' rights to be included or to be regarded. They are WTO illegal. We cannot pass workers' rights and put them in our trade agreements.

Another Papal Encyclical from Pope Paul VI, Populorum Progressio: ''But it is unfortunate that on these new conditions of society, a system has been constructed which considers profit as the key motive for economic progress, competition as the supreme law of economics, and private ownership with the means of production as an absolute right that has no limits and carries no corresponding social obligation.'' He goes on to say that ''this leads to a dictatorship rightly denounced by Pious XI by producing the international imperialism of money.''

There is a moral imperative here that we have to recognize that we need trade agreements that have workers' rights, human rights, and environmental quality principles; and we cannot have that with the WTO. It is time to get out of the WTO and set up a trade structure based on those principles.

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

Mr. Speaker, first let me say that I agree with my colleague that we should be negotiating higher labor standards, at least international labor standards; but I would suggest the way to do that is engagement, not to pull out of the WTO and to do better in our bilateral agreements. I agree with him on CAFTA and to elevate the WTO to do better on international standards.

The withdrawal would leave these countries without any opportunity to improve labor standards.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Michigan (Ms. KILPATRICK).

Ms. KILPATRICK of Michigan. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I strongly oppose the pull-out of the U.S. of the WTO. This is a global economy that we live in. We have got to be at the table to work with the companies and work with the countries that are taking our jobs, and I believe the pull-out is the wrong thing to do.

Should it be strengthened? Yes, it should and the administration should reject all principles that would make our trade laws weaker. If we talk about intellectual property rights, we need to enforce those that are in there. And the Bush administration and our U.S. administration, regardless of who sits in that White House, must make sure that those property rights are enforced internationally, and that is what the WTO should be about.

In 1995 when the WTO was established, I thought then and I do hope now that dispute resolution procedures would be those where we could come to the table to resolve some of those disputes. The dispute process has become too cumbersome, too lengthy; and many times we find our companies, U.S. companies, not taking advantage and being very much put out of business.

The steel industries in my district, too much dumping from some other countries into America. We ought to rectify that so that U.S. companies can take U.S. companies and that we be able to employ our citizens.

Too many dislocated workers, the only way to address this is to stay in the WTO to work with the other countries. And our administration must see that our rules, our trade laws, our employees' rights are saved. We want to upgrade and lift up other countries, but we must save America.

America is in crisis. Our workers, too many have lost their jobs and many more to come. I represent General Motors, and this week they announced the closing of more plants, dislocating more workers and at the same time put $2 billion in China last year.

So I say stay in the WTO; make it better. This is a world economy, and the U.S. is the most powerful. I would hope that as we move forward in this discussion, and I know the vote will be overwhelming that we stay, that we build it and that we make sure that the countries that are taking our jobs have a responsibility to the workers of this country.

However Members intend to vote on the resolution before us, the issue of trade remedies under the rules established by the World Trade Organization (WTO) is of paramount concern to the industries of my district in the years ahead. How we address this issue will be an important factor in determining whether we can retain support for open markets and the international trading system as we know it.

Countries like China, Japan, and India that have most consistently dumped in this market

and violated international rules are pushed hard to have those disciplines eviscerated. That would be a disaster for U.S. manufacturers, agricultural producers and workers.

Anti-dumping and anti-subsidy laws have already been critically weakened as a result of groundless WTO dispute resolution decisions. If we see yet another new trade agreement that limits the use of these laws, I am afraid they will become completely ineffective.

Our trading partners, in the name of free trade, have been effective in putting forward a number of specific proposals that are designed to weaken U.S. trade laws. Congress is on record as opposing these efforts and I welcome this opportunity to advocate that our top priority should be to preserve core trade disciplines. However, our trade negotiators have not offered meaningful proposals to challenge those who would weaken our trade remedy laws. This is a recipe for failure.

If the Administration comes back with an agreement that waters down our trade remedy laws even further, I am confident we will see a strong backlash in Congress—and a major effect on support for any new trade agreements.

Support for the WTO cannot be taken for granted in Congress or in this country if we cannot maintain the assurance that unfair trade can and will be remedied. I urge the Administration to focus on this issue and to reject any WTO deal that would weaken U.S. trade remedy laws. Otherwise, we may well see the next WTO vote have a very different outcome than is likely today.

Mr. SANDERS. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. VISCLOSKY).

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

Mr. Speaker, in 1994 I supported the establishment of the WTO. I supported the establishment of it because the creation of the WTO was supposed to lower trade barriers. The WTO was supposed to include developed and developing countries, and environmental and labor standards were expected to rise for all.

The WTO was created with the assumption that the rules would be applied fairly to all. Today, I am voting against the WTO because it has failed to deliver on any of its promises. The WTO was created by sovereign nations to create a true international trade community, but today the WTO is manipulated by multinational corporations with a loyalty to nothing but their bottom line. These multilaterals are patronizing, not patriotic. They treat human labor as nothing more than disposable machinery. The only discernable labor standard under the WTO is exploitation.

Under the WTO there are two environmental standards, pollute and to spoil. Moreover, there is no transparency at the WTO. Who is in charge?

The WTO is grossly prejudiced against U.S. interests. As one of my colleagues mentioned earlier today, the U.S. has lost 42 of 48 cases.

I am proud to be an American citizen. I understand, however, that the United States is not always right. But only 12½ percent of the time?

Worse, the WTO struck down steel safeguards that were put in place after record levels of illegal steel dumping caused more than 40 steel companies into bankruptcy and more than 50,000 steel workers to lose their jobs.

In 1994, the last full year before the WTO came into existence, the United States had a trade deficit, unfortunately, of about $150 billion. During 2004 the U.S. trade deficit hit an all-time high of $650 billion, an increase of 333 percent. We have clearly benefited under the WTO.

A more frightening figure is that the U.S. trade deficit last year with China alone was more than our trade deficit was with the entire world the year before the WTO was created. As we debate this resolution today, we will borrow an additional $1.7 billion in these 24 hours for our children to pay off for the rest of their lives just to finance the trade deficit we are accumulating today under the wanted WTO.

I appreciate my colleague from Vermont for bringing this resolution to the floor. I support it and ask my colleagues to do so as well.

Mr. SHAW. Mr. Speaker, I would remind the gentleman in the well that of the 50 cases we have brought before the World Trade Organization, we have won 46 which is a 92 percent success rate.

Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. RYAN), a member of the Committee on Ways and Means.

□ 1145

Mr. RYAN of Wisconsin. Mr. Speaker, I appreciate the gentleman for yielding me time.

Mr. Speaker, this is a good debate. It is a good, healthy debate that we are having here on the floor of Congress.

The earlier speaker, the gentleman from Ohio, cited some papal encyclicals, but, as a practicing Catholic, I will be the first to defend his right to do that here on the floor, but I also think there are some bigger issues we need to talk about.

First of all, how do we keep jobs in America? We all care about that. This is what we are talking about. I would argue we have got to do basically two things: stop pushing jobs overseas and stop countries from unfairly taking jobs overseas.

How do we stop pushing jobs overseas? Well, for starters, we can address health care costs. We can address the fact that we tax our businesses and our jobs more than any other country in the world, save Japan. We can address tort costs, regulatory costs, have a comprehensive energy policy to make energy more affordable.

How do we stop countries from unfairly taking jobs overseas? We have to remember, Mr. Speaker, that 97 percent of the world's consumers are not in this country. They are outside of this country. One in five manufacturing jobs are tied to exports. Exports, on average, pay more than other jobs. We cannot put our head in the sand. Pulling out of the WTO is the economic equivalent of throwing the baby out with the bath water.

What has happened since we have gone into the WTO? Let us look at the challenges that confront us.

We talk about China, a very appropriate topic to discuss here. Since China joined the WTO, do my colleagues know how many laws we had to change and pass in America to go there? Zero. Do my colleagues know how many laws China had to change, laws and regulations, to enter the WTO? 1,100. To get into the WTO, to join countries of fair trade, China had to change 1,100 laws. Are they following all these rules and agreements? Of course not. But because they are in the WTO, because we have the WTO, we finally have a forum, a mechanism, a system to bring these countries into compliance to play by the rules. If we did not have this system, all these countries could play by whatever rules they set.

We are the economic superpower of the world. We play by the rules. We are the most transparent, most honest, most basic system in the world. We need other countries to play by the same rules, too, so we can all join together in growing economic growth here in America and across the world. Pulling out of the WTO would be the economic equivalent of biting off our nose to spite our face.

Since we have had China in the WTO, I have been critical of the administration's stance in its first 3 years. I have joined with my colleagues on the other side of the aisle criticizing the administration on their China policy. However, over the past year and a half, the administration, through the WTO rules, has brought 12 different actions against China.

We are making success. We are bringing accountability. Pull out now, and the situation gets much worse. Stay in it. Fight for fair trade. We can clean up these rules, and that is the only way to bring other nations into the fair trade arena.

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

My good friend mentioned what has happened since China has joined the WTO. I think he has neglected to mention that our trade deficit with China has soared, that millions of jobs have left the United States to go to China.

Mr. Speaker, I am very pleased to yield 4 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I rise to support House Joint Resolution 27 to withdraw the United States from the World Trade Organization.

The WTO is not about free trade or fair trade. It is about corporate power. WTO rules allow America's labor, environmental and public interest laws to be challenged by multinational corporations seeking profits and power. Other countries have also seen their domestic laws challenged in order to

expand corporate power. The WTO sacrifices the rights of workers, the protection of the environment and the health and safety of working families.

WTO rules support corporations to move their operations from one country to another in search of the cheapest labor and the least government regulation. If a country enacts a minimum wage law, a corporation that does not want to pay a decent wage can simply move its factory to another country. If workers in that country organize a labor union, the corporation can move the factory to a third country. Many corporations prefer to operate in countries such as the People's Republic of China, which outlaw independent labor organizations. The WTO has no restrictions on sweatshops, child labor, prison labor or slave labor.

WTO rules promote investment opportunities for multinational corporations without regard to their impact on workers, the environment or the public interest. Countries' labor, health and environmental laws can be challenged if they have a side effect of restricting trade.

In the 10 years since the WTO was established, a wide variety of U.S. and foreign laws have been challenged. With only two exceptions, every health, food safety and environmental law challenged at the WTO has been ruled illegal. Meanwhile, multinational pharmaceutical companies have used WTO intellectual property rules to deny poor countries the right to provide live-saving medicine to people with terrible diseases like HIV and AIDS.

They tried it with Brazil. The world protest against the attempt to keep Brazil from using generic drugs to save lives, prevent HIV and AIDS was fought off because of the protest, and they had to back down.

But look what they did in South Africa. I wish I had time to tell my colleagues about it.

In 42 out of the 48 completed cases brought against the United States, the WTO has labeled U.S. laws illegal. U.S. laws ruled illegal by WTO include tax laws, anti-dumping laws, sea turtle protections and clean air rules. And when the WTO ruled in favor of the United States in a case on bananas, it was to benefit who? A large corporation, Chiquita, that has now driven Grenada and some of these small countries into poverty. We do not produce any bananas here in the United States. We protected Chiquita, who mistreats its workers in Central America, and we put small Caribbean farmers out of work.

Mr. Speaker, after the WTO rules a country's laws illegal, the WTO authorizes economic sanctions that cost the country millions of dollars. These sanctions put small businesses out of business and workers out of work. History has proven that the WTO does not prevent trade wars. It authorizes trade wars.

The WTO puts profits of the world's wealthiest and most powerful corporations ahead of the health, safety and welfare and well-being of working families.

I urge my colleagues to support the WTO Withdrawal Resolution. It's time to stop the global expansion of corporate power and put working families first.

Mr. LEVIN. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. Mr. Speaker, I rise today to urge my colleagues to reject any attempts to withdraw the United States from the WTO and vote no on final passage.

When instituted correctly and fairly, trade agreements open up foreign markets to U.S. goods, create new opportunities for companies and their employees, and lift the standard of living for people in the country with whom we are trading. Economists estimate that cutting trade barriers in agriculture, manufacturing and services by one-third would boost the world economy by $613 billion, equivalent to adding an economy the size of Canada to the world economy. The WTO is needed to monitor this process and ensure a level playing field.

However, in certain cases, there is not a level playing field. A great example of this is Airbus. Airbus is currently the world's leading manufacturer of civil aircraft, with about 50 percent of global market share. Airbus received approximately $30 billion in market-distorting subsidies from the European governments, including launch aid, infrastructure support, debt forgiveness, equity infusions, and research and development funding.

These subsidies, in particular launch aid, have lowered Airbus' development costs and shifted the risk of aircraft development to European governments, and thereby enabled Airbus to develop aircraft at an accelerated pace and sell these aircraft at prices and on terms that would otherwise be unsustainable. These unfair actions put Boeing at a major disadvantage and leads to a negative impact to workers and businesses in this country. By most conservative estimates, the unfair subsidies that Airbus receives have led the United States to losing at least 60,000 high-paying jobs.

As a member of the House Committee on International Relations and the fact that John F. Kennedy International Airport is the economic engine of my district, it is imperative that this body support USTR Ambassador Robert Portman's efforts to have a WTO dispute resolution panel put an end to the unfair subsidies to Airbus.

Mr. SANDERS. Mr. Speaker, can I inquire again as to how much time remains?

The SPEAKER pro tempore (Mr. FOSSELLA). The gentleman from Vermont (Mr. SANDERS) has 27 minutes remaining. The gentleman from Maryland (Mr. CARDIN) has 3½ minutes remaining. The gentleman from Florida (Mr. SHAW) has 9½ minutes remaining.

Mr. SANDERS. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. Mr. Speaker, it is with a combination of perhaps resignation and frustration with which I stand here.

Will Rogers once said, in explaining the length of a political platform, that it takes a lot of words to straddle an issue, and I have every intention of using a lot of words here this morning.

I think, like many people, like most of us, we have no fear of free trade, that the United States, playing on a level playing field, can easily compete in the world market, and I do not ascribe to some of the statements that I think have been somewhat overzealous or vitriolic in describing policies here. I also agree that in some respects moving out of the policy we have right now without a substantial alternative would be chaotic. Having said that, this is where the ''but'' comes in.

I intend on either giving a symbolic vote or maybe a symbolic speech in place of that vote with concerns of sovereignty issues that are dealt with here and that some of those voices that are concerned about sovereignty issues are not just simply those fearful of the dark but there are legitimate concerns which require a periodic reanalysis of what we are doing.

I speak specifically about a case which has sent the Attorney General from the State of Utah to join 28 Attorney Generals from other States in protest of the situation in which the World Trade Organization has thrown State statutes in jeopardy.

Antigua, with which we had a policy dating back to 1993, has complained that laws prohibiting Internet gambling as well as gambling and betting paraphernalia, which have been for about 100 years the social policy of Utah, violate trade organizations; and the trade organization ruled in favor of Antigua.

It is inherently wrong for any adjudicative panel of any organization, internationally or trade, to put in jeopardy the kinds of State laws that we have in place, especially when they deal with social policies that have been there for almost 100 years. Whether this is simply a glitch in negotiations that can easily be worked out or whether this is a systemic problem or whether, as the Attorney Generals are arguing, that the States need a greater voice in the organization and the application of these trade policies, especially if it is going to relate to State law, that is the discussion that needs to take place.

My State may have lucked out because a clerical error in this particular case did not refer specifically to the Utah State law; and, therefore, it may not be applicable. But the fear factor is still there, that in the future State efforts, State regulations and State policies may be put in jeopardy not only by our trade policies but also by Federal regulations that affect those trade

policies when they ought not to be. That is the issue that needs to be periodically addressed.

I recognize that this particular resolution is very narrow in its application. It may not be specifically on that point, but it does at least give us the opportunity of saying not only is that an issue and a concern for the future but it is an issue that we should take seriously and we should discuss seriously and we should address seriously so that these particular problems, especially as it deals with State issues and State rights, will not be put in jeopardy with the future.

□ 1200

Mr. SHAW. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. MURPHY).

Mr. MURPHY. Mr. Speaker, although I disagree with much of what the WTO does, I do not think it is in the best interest of our Nation to withdraw from that organization at this time. Doing so would give the United States little bargaining power as we work to promote a global economy that is both free and fair. Withdrawal would put in jeopardy negotiations that are necessary to meet that goal.

However, my support for the long-term goal of more equitable international trade does not translate into blanket support, but it is difficult to ignore the fact that the U.S. is increasingly the target of WTO action. We are sued more than any other country, and our laws seem to be condemned by the WTO every month. We have been the defendant in 19 of the last 36 cases decided by the appellate body. These negative decisions have threatened American products and American businesses with sanctions. For example, in recent years the WTO has disapproved everything from our tax policies and trade laws to our sovereign right to regulate activity such as Internet gambling and set tariffs against unfair pricing by foreign countries.

It is becoming all too clear that these decisions are not the result of any shortcomings by this country or any true violation of international rules; rather, one must wonder if we are facing a forum that sees our country's prosperity and economic success as an opportunity to further bolster their own industries and markets. It seems as though nations are using the WTO to gain through litigation that they could not secure through negotiation.

But to help our economy, we cannot turn toward a simplistic, bellicose jingoism approach that blames the WTO and seeks protectionism as the answer to all. What we need to do on our own is to pass our energy policy that is otherwise costing us millions of jobs and to pass our own health care reforms to cut costs and not cut care.

Free trade is in everyone's best interest, and the WTO negotiations are vital to securing new markets for American products and creating new jobs for American workers. The negotiations must ultimately bring us to a system that is fair for all member countries while respecting the fundamental rights of a nation to determine its own law.

This administration needs to pay very close attention to the issue as we cannot sit idly by while the world unfairly threatens U.S. laws and remedies designed to protect our Nation against unfair practices.

The WTO clearly is not operating always in the best interests of the United States of America. However, it is the forum that exists; and as such, we need to remain partners with those that are vigilant and vigorous defenders of both free and fair trade in that forum for the benefit of our Nation.

Mr. SANDERS. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. BROWN) who has been leading this Congress in opposition to the disastrous CAFTA agreement.

Mr. BROWN of Ohio. Mr. Speaker, I very much appreciate the good work of my friend, the gentleman from Vermont (Mr. SANDERS).

Mr. Speaker, earlier this week the Committee on Appropriations passed an amendment to prevent the U.S. trade representative from using trade pacts as a tool to block prescription drug reimportation. The fact that appropriators in this body felt compelled to take this dramatic step points to a larger issue. Congress should not have to police the U.S. trade representative to make sure he or she is acting in the best interests of U.S. consumers. We should not have to instruct our trade representative to make sure that he is looking out for U.S. workers and U.S. manufacturers. We should not have to tell the trade representative to protect the environment and our food supply.

Congress should not have to scour every trade pact to make sure that some patent extension or importation barrier or other Big Government crutch designed specifically for the drug industry has not been inserted into the trade agreement by the U.S. trade representative or by the President or by my friends on the other side of the aisle.

Congress should not have to take the U.S. trade representative to task for trying to reverse the world's progress against the global AIDS epidemic, progress partially financed with U.S. tax dollars. Congress should not have to fight the U.S. trade representative in order to ensure jobs for our Nation's workforce, affordable medicine for our Nation's consumers, and manufacturing capacity for our Nation's protection.

Who does the U.S. trade representative work for?

The USTR should be acting in the interest of all Americans. If the international drug industry benefits too, all the better. Instead, the multinational drug industry's interests trump those every day of everyday Americans. The tail is wagging the dog. In fact, our trade representative's office includes a position, and I am not making this up, our trade representative's office includes a position called U.S. Trade Representative for Asia, Pacific and Pharmaceutical Policies. So we are bringing the drug industry into the USTR to make sure these trade agreements protect the drug industry, usually at the expense of American consumers who pay twice as much, three times as much, four times as much for prescription drugs, and even more seriously, frankly, who harm the world's poorest people.

In the CAFTA agreement, as the gentleman from Michigan (Mr. LEVIN) said earlier, in Africa, in Asia, the world's poorest people have to pay more for prescription drugs because the U.S. has, in our trade representative's office, a U.S. trade representative for Asia, Pacific and pharmaceutical policy. It begs the question, What are our trade agreements for?

Mr. Speaker, it is not like they are working. Look what has happened to our trade deficit in the last 12 years. I came to Congress in 1992. We had a trade deficit of $38 billion. In 2004, 12 years later, our trade deficit was $618 billion. From $38 billion to $618 billion, and my friends are arguing our trade policy is working?

Look at our stagnating wages, the fact that the top 10 percent of people in this society are doing very well. Their incomes are going up and up and up. The 90 percent of the rest of the country, their wages are stagnant and partly because of trade policies. Look at our crippling job loss in my State, and especially in manufacturing.

Not only has our trade deficit gone from $38 billion to $618 billion in only a dozen years, look at what has happened in manufacturing. The States in red have all lost 20 percent of their manufacturing in the last 5 years. My State of Ohio, 216; Pennsylvania, 200; Michigan, 210; Alabama and Mississippi combined, 130; Illinois, 225; Virginia, 80,000; New York, 220,000. Our trade policy, Mr. Speaker, simply is not working.

When Members think about this, maybe in fact some people would say our trade agreements are working. After all, these trade agreements do work for the pharmaceutical industry.

Mr. SANDERS. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I rise in thoughtful support for H.J. Res. 27, and I say thoughtful because I believe we should take a good look at what we are doing and what has been proposed and try to figure out what is going to happen in the future, and what are the ideas that these decisions are based upon.

We are living in a time when a significant number of Americans are rushing forward to support any effort to transfer sovereignty from elected officials in the United States to unelected officials elsewhere at a global level who will exercise power and control,

mandate policies and shape our lives; yet they are not elected by the people of the United States of America, as if we should expect them in the WTO or even the United Nations to watch out for our interests.

Mr. Speaker, it is our job to watch out for the interests of the American people. We are elected to do so. Transferring our sovereignty and decision-making power to the WTO, to the United Nations, or any other international body is not in the long-term interests of our people.

The United States did this back in the 1950s or 1940s with the United Nations, and it too was a dream, a dream for a better world, a new order that would bring about prosperity and peace. What do we see now in the United Nations, corruption at the highest levels and arrogance. We see United Nations peacekeeping troops stand by as people are massacred. They themselves have participated in atrocities, and yet we see cover-up at the United Nations and corruption. Is that the type of people we want to give sovereignty to? No.

So why do we think the WTO is going to be any different? The WTO is made up of nondemocratic countries as well as democratic countries, just like the United Nations. We are not going to bring them up; they will bring us down if we give up our decision-making process to unelected bodies that have been set up.

They call it the new world order. The new world order, what is that going to bring the American people? A loss of sovereignty, a loss of our ability to control our own destinies. We will see the WTO manipulated by special interests in the same way we have seen other bodies manipulated by special interests, but the WTO will be made up of organizations that are comprised of governments that do not believe in democracy and honesty and free press and free speech and the standards we believe in.

Mr. Speaker, 10 years from now as the WTO evolves, and even today, we will find our huge international corporations and international corporations in general going to these bodies and manipulating them and bribing them. And why not accept the bribes? The people of Burma or China or these other countries who are not democratic, who are not honest, that is their way of life. So why are we transferring authority, putting our faith in an organization, even if today in the short run we can see some examples where it might be in our benefit? In the long run it is not to the benefit of the American people to give up this kind of decisionmaking.

If we want more trade in the world, we should establish bilateral trade agreements with other democratic countries. That way we can control the decision-making process. The major economic countries of the world will enter into those agreements.

I say we should have free trade between free people. We should not be establishing superpowerful, unelected bodies by the WTO to control our destiny in the United States and determine what economic policies we will have in the long run. These things make no sense to me, and it is a great threat looming over us. Whatever examples can be given today of some good things that are happening, just remember what will happen 10 years down the road once these panels and bodies have been corrupted by the vicious dictatorships that we have let into the WTO.

Mr. CARDIN. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Speaker, I will vote against this resolution because it is a little too radical for where I am now, but I am tempted to vote for it because of the failure of our current policies and the blindness of those who defend them.

Those who defend our current policies acknowledge that free trade puts pressure on countries to race to the bottom on environmental and labor standards so they can be the low-cost, high-value producer. But the real disconnect is between the theory of free trade and on-the-ground business reality.

Those who defend the WTO live in a world of theory in which business and consumers will buy American goods if they are good values, subject only to the written transparent regulations and tariff laws of their country. This theory is true in the United States where our businesses and consumers are happy to buy. We have lowered our tariffs, we have lowered our regulations and barriers, and there has been an explosion of imports to the United States.

But the theory is false as to China and many other nations. In those countries, their written laws are almost irrelevant; and so we negotiate hard, we open our markets in return for a change of China's written laws, and then we are surprised when changing those laws does nothing to open their markets and the average person in China buys less than 3 cents, I believe it is, of goods and services from America every day.

Why is this? Because their businesses are told orally, do not buy from America unless you get a co-production agreement, do not buy from America unless you get a disclosure of our technology and our manufacturing techniques. So when an airline in the United States goes to decide which airplane to buy, it does so on economic factors. When China buys, they demand that more and more production be shifted to China. No wonder we have this huge trade deficit and the dollar is certainly in peril.

□ 1215

Mr. SANDERS. Mr. Speaker, how much time remains for either side?

The SPEAKER pro tempore (Mr. FOSSELLA). The gentleman from Vermont (Mr. SANDERS) has 15 minutes remaining, the gentleman from Maryland (Mr. CARDIN) has 1½ minutes remaining, and the gentleman from Florida (Mr. SHAW) has 7 minutes remaining.

The Chair will recognize the closing speeches in the reverse order of the openings: the gentleman from Maryland (Mr. CARDIN), the gentleman from Vermont (Mr. SANDERS), and the gentleman from Florida (Mr. SHAW) has the right to close.

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

Mr. Speaker, I once again rise to urge my colleagues to reject this resolution. It is important that we work within a rules-based trading system in order to expand opportunities. Only by working within a rules-based trading system can we raise the international bar on labor standards, on environmental standards. If we were to pull out of the WTO, we would have no opportunity to raise at all the labor standards in other countries or the environmental standards. We need to be within a rules-based trading system to reduce barriers.

The U.S. market is the most open market. We want our trading partners to open up their markets. Staying within the WTO offers us that opportunity. We need effective enforcement of our agreements. We need to work within the WTO in order to accomplish those objectives. And, Mr. Speaker, here is an area where we must exercise more of our responsibility by changing laws and strengthening laws so that we can enforce the obligations that we have negotiated within the WTO. I will be introducing legislation to do that, and I urge my colleagues to work with me so that we can enforce the agreements that we have reached with other countries.

Mr. Speaker, I urge my colleagues to reject this resolution. Let us work together to open up markets.

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

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

To begin with, at a time when there is so much animosity and partisanship in this body, I am very pleased that what we have brought forth together is a true tripartisan effort.

I want to thank the gentleman from Texas (Mr. PAUL), the gentleman from Oregon (Mr. DEFAZIO), the gentleman from Tennessee (Mr. DUNCAN), the gentleman from Arizona (Mr. GRIJALVA), the gentleman from Indiana (Mr. HOSTETTLER), the gentleman from North Carolina (Mr. JONES), the gentleman from Ohio (Mr. KUCINICH), the gentleman from Wisconsin (Mr. SENSENBRENNER), the gentleman from Michigan (Mr. STUPAK), and the gentleman from Colorado (Mr. TANCREDO) for cosponsoring this amendment and, as I think most people know, that covers a very, very broad spectrum of political thought.

Mr. Speaker, some have argued against this resolution by saying it

would be a disaster if it were passed, that we would be withdrawing from the international economy, but the reality is that what we are trying to do here is not to withdraw from international trade. Trade is a good thing. What we are saying is let us send a message to the President of the United States to wake up and to fully recognize that our current trade policies are an unmitigated failure and that we have got to renegotiate them. We cannot continue on the policy of the race to the bottom. That has got to change.

Some of my friends say what we are talking about is international rules, and of course we are talking about international rules. The problem is that the rules within this WTO are rigged against the middle class of America. If the United States Congress said, wait a second, we are going to pass a law because we think it is unfair that slave labor in China is producing a product that is exported to the United States, or that child labor around the world is competing against American workers, we will be ruled incorrect by the WTO. A complaint will be waged against us saying, gee, why are you protesting slave labor or child labor? You are violating international free trade.

Another issue that has not been touched on today, a moral issue, which is very important, when I was mayor of the City of Burlington in the 1980s, we passed, as did cities throughout the country, as did the United States Congress, legislation which said to the apartheid regime which had then imprisoned Nelson Mandela, we are going to impose trade restrictions against an apartheid regime. Mr. Speaker, if that occurred today, if the City of Burlington, Vermont, the State of Vermont, the United States Congress, said we want to bring down economically some type of fascistic government running the country, that country would go to the WTO and the WTO would say, gee, you are in violation of free trade agreements. It does not matter the morality of the issue. The only thing that matters is unfettered free trade.

Mr. Speaker, what my friends on the other side of this debate have really failed to discuss is the impact of the unfettered trade policies that we have been developing over the last 30 years. You have not heard them say really one word about that. Yes, they have talked about economic growth that is taking place in America, but they forgot to tell you who was benefiting from that economic growth. They have forgotten to tell you that for the average American worker his or her wages have gone down significantly in the last 30 years.

Yes, the wealthiest people in this country are making out like bandits. Yes, there has been a doubling in the gap between the rich and the poor. That is true. Yes, CEOs of large corporations make 400 times what their workers make. Is that the free trade agreement that we are fighting for?

The reality is, and they know it, Republicans know it, Democrats, conservatives, progressives, when going back to their district. In my State in the last couple of months, I had to talk to workers whose jobs are gone because those companies could not compete against imports coming in from China where workers are paid 30 cents an hour.

I would yield a moment to my friends on the other side if they want to tell the American people that they think it is fair that our working people should have to compete against desperate people working for pennies an hour who go to jail when they stand up for their rights. I would yield to the gentleman from Florida, the gentleman from Maryland, or anyone else who wants to tell me now that that is fair. I do not hear anybody saying that it is fair.

Mr. CARDIN. Mr. Speaker, will the gentleman yield?

Mr. SANDERS. I yield to the gentleman from Maryland.

Mr. CARDIN. Mr. Speaker, I believe that is unfair. I agree with my colleague completely. The question is, why are we not negotiating with our trading partners to do something about that?

Mr. SANDERS. Taking back my time, and I thank the gentleman. He says that it is unfair. But we have had this trade agreement, we have been in the WTO for 10 years. We have had a Democratic President. We have had a Republican President. If it is unfair, why is the President of the United States not going to the WTO tomorrow? Why did Bill Clinton not go? I do not want to be partisan here. Why did neither of them go? And they are not going to go.

The issue here is that these trade agreements have been forced on Congress, not forced, Congress willfully did it, because of the power of big money. It is no secret. Some of us who were here for NAFTA, some of us here for the China agreement, we know the millions and millions of dollars in campaign contributions and huge lobbying effort on the part of the large corporations. Because the truth of the matter is that while unfettered free trade is a disaster for the middle class and working families of this country, it really does benefit the heads of large corporations. They are, in fact, doing very well.

We see General Electric, General Motors moving to China. That is not a good thing for Americans.

Let me conclude simply by saying, Mr. Speaker, let us send the President of the United States a message. Let us say that our current trade policies are failing. Let us stand up for working families around the country. Let us pass this resolution.

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

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

There is quite a bit of ground that we have covered here this morning. One is that somehow CAFTA has been brought into this debate by a couple of speakers.

I would like to submit for printing in the RECORD a letter dated June 8, 2005, which was just yesterday, from former President Jimmy Carter to Mr. BILL THOMAS, the chairman of the Ways and Means Committee, in support of CAFTA.

In this letter, he says, If the United States Congress were to turn its back on CAFTA, it would undercut these fragile democracies, compel them to retreat to protectionism, and make it harder for them to cooperate with the United States.

This is the type of bipartisan cooperation that we are about here today. It is important, I think, to realize that this resolution came before the Ways and Means Committee because we were required to take it up if it were to be filed under the law originally bringing us into the World Trade Organization. On both sides of the aisle, I believe I am correct on this, that the decision by the Ways and Means Committee to report this out unfavorably to the House, which we had to do procedurally, but to report it out unfavorably, I think, was unanimous on both sides of the aisle.

There is criticism as to what is happening, and some people would like to change some of the things within the framework of the World Trade Organization, but the Ways and Means Committee, I think, was very, very responsible.

Now the question of jobs and the economy has been raised, and China has been brought into this debate. China has got some problems with their currency and some things we need to do and their enforcement of their own laws. I will yield that ground to those that bring that criticism to us. But I think it is important to realize where those jobs are coming from or where those exports, who are the winners and losers with regard to the Chinese exports.

The Chinese exports are draining off the exports from Japan, Korea and other Pacific Asian countries. That is where those jobs are coming from. If you talk about and look at exactly the exports into the United States from that region of the world, you will see that it is fairly flat, not for China, but China is increasing its exports at the expense of these other countries.

The question has been brought into this debate as to the sovereignty of the United States. It is very clear to anyone, any of the lawmakers in this Congress, that Congress and the President make United States laws. The World Trade Organization cannot change laws either today or in the future. The World Trade Organization has no enforcement authority. It cannot impose fines, levies, sanctions, modify tariff rates or change the laws of any country. The only sanction for a violation of the World Trade Organization is that affected World Trade Organization

member, and that member country may in some cases impose retaliatory measures on trade of the country that violates the rules. But that is not enforcement by the World Trade Organization. The World Trade Organization agreement permits the United States to regulate and even stop trade to protect United States national security, public health and safety, natural resources and human rights. So we are not giving up any of our sovereignty by remaining in the World Trade Organization.

On the question of jobs and the exporting of American jobs, exports account for about 25 percent of the United States economic growth over the course of the past decade. Exports support an estimated 12 million jobs, and those workers' wages are estimated to pay 13 to 18 percent more on the average than nonexport jobs. United States exports directly support one in every five manufacturing jobs. Workers in most trade-engaged industries where combined exports and imports amount to at least 40 percent of their domestic industrial output earn an annual compensation package that is one-third more than the average compensation in the least trade-engaged sectors. A recent University of Michigan study shows that lowering remaining global trade barriers by just one-third would boost annual average family income by an additional $2,500.

So if you are interested in jobs, vote against this resolution. If you are interested in the economy and the growth of our economy of this United States, vote against this resolution. If you want chaos in world trade, vote for it, because that would exactly be what we would have. We would have total chaos. It would be the wild, wild west. I think that the only responsible vote here today for the American worker and the American economy is to vote no on this resolution.

JUNE 8, 2005.

Hon. BILL THOMAS,
Rayburn House Office Building,
Washington, DC.

TO REPRESENTATIVE BILL THOMAS: as you prepare for your initial consideration of the Central American Free Trade Agreement (CAFTA) with the nations of Central America and the Dominican Republic, I want to express my strong support for this progressive move. From a trade perspective, this will help both the United States and Central America.

Some 80 percent of Central America's exports to the U.S. are already duty free, so they will be opening their markets to U.S. exports more than we will for their remaining products. Independent studies indicate that U.S. incomes will rise by over $15 billion and those in Central America by some $5 billion. New jobs will be created in Central America, and labor standards are likely to improve as a result of CAFTA.

Some improvements could be made in the trade bill, particularly on the labor protection side, but, more importantly our own national security and hemispheric influence will be enhanced with improved stability, democracy, and development in our poor, fragile neighbors in Central America and the Caribbean. During my presidency and now at The Carter Center, I have been dedicated to the promotion of democracy and stability in the region. From the negotiation of the Panama Canal Treaties and the championing of human rights at the time when the region suffered under military dictatorships to the monitoring of a number of free elections in the region, Central America has been a major focus of my attention.

There now are democratically elected governments in each of the countries covered by CAFTA. In negotiating this agreement, the president of each of the six nations had to content with their own companies that fear competition with U.S. firms. They have put their credibility on the line, not only with this trade agreement but more broadly by promoting market reforms that have been urged for decades by U.S. presidents of both parties. If the U.S. Congress were to turn its back on CAFTA, it would undercut these fragile democracies, compel them to retreat to protectionism, and make it harder for them to cooperate with the U.S.

For the first time ever, we have a chance to reinforce democracies in the region. This is the moment to move forward and to help those leaders that want to modernize and humanize their countries. Moreover, strong economies in the region are the best antidote to illegal immigration from the region.

In appreciate your consideration of my views and hope they will be helpful in your important deliberations.

Sincerley,

JIMMY CARTER.

Mr. HOLT. Mr. Speaker, I rise today to express my concerns about H. Res. 27. H. Res. 27 would withdrawal the United States from participation in the World Trade Organization. I did not support a similar resolution five years ago, and I do not support this resolution today,

International trade is not just inevitable, it is a good thing. We live in a world today where more people can afford ever cheaper goods. But lowering the cost of goods and increasing their availability is not the single goal of trade. Trade done right helps lift the global standard of living and works to protect the irreplaceable environment we inherited. Trade is about values. I want to make sure the United States not only exports our-world class agriculture, but also our respect for the natural environment and enforceable labor laws. We should make sure we export the goods we produce and not the workers who produce them.

That is why we must use the WTO to address these labor and environmental concerns. But if we walk away from the WTO, we won't be able to address any of these issues, Where else can we give voice to issues of child labor or environmentally destructive practices of some industries? The WTO—imperfect as it may be—is the forum that we, along with the other members of the international community, established to enforce trade rules and more importantly allow for an open dialogue on the trade issues that concern us.

We need to realize that even if there are legitimate problems with the WTO, and I agree that some exist, the solution is not to unilaterally withdraw from the WTO. Withdrawing from the WTO would not help to solve any of these problems. Not one. We cannot stop trade, and we cannot end the global economy. What we can do is work within the World Trade Organization to address these concerns. We should not allow any others to dictate to us about what is in our national interest, but we must recognize that we cannot accomplish our national goals in isolation from the rest of the world. We can only work to protect American workers from anticompetitive practices of foreign countries from within the WTO, not by sitting on the sidelines. We should be working with our trade partners and with the WTO to enforce our existing trade rules. I urge my colleagues to vote against this resolution.

Mr. BACA. Mr. Speaker, I rise in opposition to H.J. Res. 27, which withdraws approval of the United States from the agreement establishing the World Trade Organization.

The WTO was created to oversee and regulate international commerce through the establishment of universal trade agreements. The institution of these agreements would provide assurance and accountability between member nations, with the prospect of future economic prosperity. The goal of these trade practices is to ease facilitation of global business for producers, exporters, and importers.

My opposition to this resolution and consequent support of the WTO is not without qualification.

While there is great value in continuing multilateral trade regulations and mailltaining the general integrity of the WTO, this organization has consistently foundered in its role of impartial adjudicator and continues to undermine the domestic trade sovereignty of our Nation.

Over the past decade, we have witnessed a massive increase in the U.S. trade deficit, an alarming number of dislocated American workers, and consistent threats to the autonomy of U.S. domestic trade policy.

The international community has seen the numerous shortcomings of the WTO system, including poorly enforced labor laws that afford many countries an unfortunate competitive advantage in the global marketplace. The premise of independent unionization and equitable development has not been realized in the past 10 years under the WTO and continues to underscore the need for a reevaluation and modification of the institution.

Though the World Trade Organization has failed to deliver on the promises of economic gains to developing countries and general worldwide trade policy, the solution is not to withdraw U.S. support or approval. We must continue to work inside the infrastructure of the WTO and towards progressive policies. As a principal partner in the WTO, we must not disassociate ourselves from the organization or we will realize the regression of our global economy. Our obligations to the American worker necessitate a competent and responsible trade policy that can only be achieved through the refinement of the current system.

Mr. Speaker, I oppose this resolution but reserve judgment over the current policies and procedures of the World Trade Organization. It is in the best interests of our nation to continue our active involvement in the WTO, while reconsidering and reworking current international trade policies.

Mr. COSTELLO. Mr. Speaker, I rise today in support of H.J. Res. 27, which would withdraw the United States from further participation in the World Trade Organization (WTO). I do so not because I am against international institutions, or even the stated purpose of the WTO. I am voting yes today to voice my opposition to U.S. trade policies that continue to augment the "race to the bottom" international trade culture that has sent good-paying American jobs overseas in pursuit of ever-lower wages and lax labor and environmental standards. Instead of pursuing policies that lift up and improve the lives of workers in this country and

around the world, we have crippled U.S. communities while enabling the exploitation of foreign workforces.

I believe Congress must send a strong signal to the current administration that the past ten years have demonstrated the serious failures of U.S. trade policy. In light of our massive trade deficit, loss of manufacturing jobs and the ongoing currency manipulation by foreign countries, my vote today supports the hard working families in America. To have fair, sustainable, and balanced international trade, we need a fundamental review of U.S. international trade policies, and Congress and the Bush administration should take this opportunity to lead this effort.

There are serious national security considerations inherent in our trade policy, and I believe we ignore these ramifications at our own risk. Our social fabric is also endangered—as jobs leave the country, as people that have worked hard their entire lives lose their pensions and healthcare, what are these families to do? What made the U.S. the greatest country in the world is the ability of high school educated Americans to make a good living in the manufacturing and industrial sectors. These jobs increasingly have moved overseas, and it is hard to support a family on service sector wages. Meanwhile, I have tried twice in the last year to pass an amendment to simply study the issue of the outsourcing of American jobs, and have twice been defeated on close votes.

Mr. Speaker, voting yes today will not solve these problems, but it will signal that we will reevaluate the trade policy of this nation. I urge my colleagues to undertake this work and vote yes on H.J. Res. 27.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise in opposition to H.J. Res, 27, a resolution withdrawing the U.S. approval of the WTO.

While there are legitimate disagreements about how world trade is organized, and how trade agreements are negotiated, I think that it is important to have a forum and structure for international trade. And that's the World Trade Organization.

Let's not overlook the fact that in the 10 years since the WTO's inception, we've seen global tariff rates fall and U.S. exports rise.

Moreover, ninety-seven percent of our international trade is with other WTO nations. Withdrawing from the WTO would upset relations with these important partners and markets.

That being said, the WTO is by no means a perfect institution. It is important that we are having this debate today.

In the ongoing Doha round of trade negotiations, the U.S. and our global partners have the opportunity to substantially improve the WTO by reaching agreements on service negotiations, the reduction of tariffs and non-tariff barriers, and the authority of the WTO dispute resolution system. We need to see these negotiations through to a satisfactory end.

Nevertheless, despite its imperfections, the WTO provides a stable and predictable global trading system that benefits the U.S. both economically and strategically.

And although I will be watching the Doha Round with keen interest, I support U.S. participation in the WTO and therefore oppose this resolution.

Mr. PETERSON of Minnesota. Mr. Speaker, there are many reasons to question whether or not the United States should remain in the WTO. Among them: the current trade deficit of $618 billion; the disappointing enforcement efforts of the Administration on past trade agreements; and the lack of consensus in the WTO on how to move forward with the Doha Round. But at this point, it is too early to give up hope. The WTO is essentially our only chance to address the major distortions in world agricultural markets.

The Organization for Economic Cooperation and Development is a group of 30 countries including the United States, most European countries, Japan, Mexico, Australia, and New Zealand. It is widely regarded as the most reliable source of objective information comparing subsidy levels of various developed countries.

Perhaps the most useful number the OECD calculates is one that compares the amount of each dollar that a farmer receives due to government policies, such as tariffs or farm support programs, versus the amount the farmer receives from the marketplace. They call this number the Producer Support Estimate.

In its 2004 report on Agriculture, the OECD notes that the Producer Support Estimate for the United States decreased in recent years, and that this is a part of a long term trend in U.S. agricultural policy. As the OECD points out, support in the U.S. to producers decreased from 25% in 1986–88 to 18% in 2003, and has remained below the OECD average. Europe has increased support to 37% in 2003.

What this means is that European farmers rely on the government for twice as much of their income as do U.S. farmers—or 37 cents from each dollar versus 18 cents for U.S. farmers.

What relevance do all these statistics have to the current WTO negotiations on agriculture? The framework agreement provides for harmonization in all three major areas of negotiation. On domestic subsidies, the framework states: ''Specifically, higher levels of permitted trade-distorting domestic support will be subject to deeper cuts.''

In the section of the WTO framework agreement on export competition, it is agreed that export subsidies will be eliminated. The EU remains the largest user of export subsidies in the world, and the elimination of export subsidies will eventually apply additional pressure to its domestic subsidy programs.

In the section of the WTO framework agreement dealing with market access, there is language calling for a tiered formula with ''deeper cuts in higher tariffs''. Average U.S. tariffs on agricultural products is 12% versus 30% in Europe and 50% in Japan. The world average tariff on agricultural products is 62%. This means that the U.S. tariffs on agricultural imports should be cut less than European, Japanese, or other countries tariffs on our exports to them.

As with all negotiations, the framework agreement reached last July on agriculture allows for a best-case and worst-case scenario to exist, which future negotiations will determine. In these negotiations, we will depend on our U.S. Trade Representative to achieve a result that upholds the principle of harmonization that was set out in the original U.S. negotiating position in June of 2000. If that principle is upheld in the final agreement, we will be glad we rejected this resolution today. If not, it will be time to give serious consideration to leaving the WTO.

Mr. KING of Iowa. Mr. Speaker, I rise today to comment on H.J. Res. 27, which seeks to withdraw the approval of the United States from the Agreement establishing the World Trade Organization.

During my first term in Congress, I witnessed firsthand the breakdown in affairs at the World Trade Organization's trade negations in Mexico. Negotiations collapsed as delegates from many underdeveloped countries celebrated their perceived success as an increasingly powerful band of poor farming countries, known as G–21, held strong to prevent talks from proceeding.

It is important that each participating country have a voice in negotiations, but by banding together to divert trade talks, underdeveloped countries ultimately hurt themselves. No one in Europe or the United States will starve to death because of their efforts, but the citizens in their own countries will be put at risk.

What occurred puts the viability of the WTO in question, but it also allows the U.S. to go forth with trade promotion authorization on its own. While I believe the WTO needs reform, I do not want us to abandon our place at the table. If America were to pull out of the WTO, we would lose the ability to influence the organization and its negotiations internally.

Our farmers and producers in Iowa and across the country are some of the most efficient in the world and are capable of competing and winning in world markets, so long as they do not face unfair foreign government policies. The enforcement of a rules-based trading system through the World Trade Organization is our best opportunity to gain access to these markets for our Nation's farmers and rural communities.

Mr. Speaker, I intend to vote against H.J. Res. 27 because it is clear that our economic interests continue to benefit from engagement with trading partners.

Mr. ENGLISH. Mr. Speaker, today the House will undoubtedly vote down this resolution and signal strong support for remaining in the World Trade Organization. This is the right decision to make.

It is the right decision to make because the WTO, and its predecessor, the GATT, have served as a catalyst to reduce both tariff and non-tariff barriers for U.S. exports. Since the formation of the GATT, average tariffs in industrialized countries have gone down from 40 to less than 4 percent; since the creation of the WTO in 1994, U.S. exports have increased by $300 billion. Of course, the WTO has also served as a useful forum to breakdown barriers to U.S. agricultural exports where bilateral negotiations could not.

While I will vote against this resolution today, it is not without any reservation. Mr. Speaker, I believe the resolution on the floor today provides the ideal time to pause and reflect on the shortcomings of the current WTO system and on ways both the Congress and the Administration can make changes to the WTO structure so that it works better and rebuilds confidence in the system among our constituencies.

I find the lack of any serious effort to reform the current WTO culture and structure to fix the flaws with the unsatisfactory. There are a host of problems with the WTO, and the number of problems is only growing.

The WTO completely lacks any degree of transparency; hearings are closed to the public and public transcripts are not released. Where, in a very limited manner, WTO rules permit limited transparency by allowing the assistance and resources of private parties who

are supportive of the U.S. government position, the Administration has chosen not to utilize this allowance.

Transparency is not the only problem contributing to the WTO's failure to move rules-based trade forward globally, but it is the central factor allowing the WTO and its bureaucrats to escape the scrutiny which would quickly eradicate other abuses in Geneva. Through the lack of transparency, the WTO dispute settlement and Appellate bodies are emboldened to disregard the proper standard of review in disputes involving trade laws, for example. In this way, past WTO panels have issued rogue decisions against the U.S. with no basis or standing in the context of previously negotiated Agreements. This rampant judicial activism is rapidly undermining the support for the WTO.

As the WTO is particularly prone to Yankee-bashing, support for the current, broken system is perhaps fading fastest here at home. A slew of activist decisions against the U.S., attacking our trade remedy laws and another decision amounting to micromanagement of U.S. tax policy have come at a steady pace.

These decisions have been particularly frustrating to many Members of Congress because of limited opportunity for oversight by Congress of the WTO or its decisions which affect our domestic laws and domestic employers. I, along with several of my Ways and Means colleagues, last Congress introduced the Trade Law Reform Act. This legislation included a provision to establish a WTO Dispute Settlement Review Commission. This Commission, composed of retired federal judges, would report to Congress after reviewing WTO decisions adverse to the U.S. in order to determine whether the relevant decision makers failed to follow the applicable standard of review or otherwise abused their mandate.

Today, we have spent two hours debating whether Congress should withdraw from the WTO. Yet, absent a new entity to administer and advance rules-based trade, there is no question that we must remain committed to, and engaged in, the WTO. I would submit that instead of debating whether to withdraw from the WTO, Congress should have an active debate on ways we can make the current system work properly, as it was designed to do, and ways to make it better.

The U.S. must move swiftly to put an end to judicial activism in the WTO and reorganize the structure and culture of both the Appellate Body and the dispute settlement body. Additionally, the USTR should deputize private parties with a direct and substantial interest in a case to appear and participate in WTO proceedings and devote greater resources to litigation in WTO disputes. Mr. Speaker, Congress must also establish new mechanisms to increase oversight of the WTO.

Mrs. JONES of Ohio. Mr. Speaker, I concur with my Ways and Means Democratic colleagues regarding the United States continued participation in the World Trade Organization (WTO). I do not agree with House Joint Resolution 27 and withdrawing Congressional approval of the WTO agreement.

Our society is becoming global. There is growing interdependence of countries, resulting from the increasing integration of trade, finance, people, and ideas in one global marketplace. So, as international trade expands due to globalization, we need a set of trade rules and an international body to enforce those rules—the WTO.

The WTO, and its predecessor, the General Agreement on Tariffs and Trade, have opened foreign markets around the world for U.S. goods and services. This has created new opportunities for U.S. businesses, farmers, manufacturers, and workers. The U.S. economy is stronger because of the WTO.

There are improvements, however, that can be made. There has to be better collaboration in understanding the relationship between trade and labor issues. We must ensure that core labor standards are enforced, particularly in developing economies. We must have more meaningful dialogue about environmental issues in trade discussions. We can accomplish this by fully integrating the work of the WTO Committee on Trade and Environment into the work of WTO negotiating groups.

Furthermore, the WTO needs to be fully aware of the vulnerability of our domestic steel industry. Ohio is the nation's leading producer of steel. China's strategy of undervaluing their currency, the yuan, and dumping steel into our domestic market puts Ohioans in danger of losing their jobs. Ohio manufacturers produced $4.59 billion in value-added steel production and processing last year. The steel industry generates over 110,000 jobs in the State of Ohio. We cannot compromise the strength of our domestic steel industry. The WTO must be cognizant of the trade challenges faced by U.S. steel manufacturers.

I believe that the United States should continue to be a member of the WTO and remain committed to free trade. However, we must ensure that our domestic concerns are properly addressed within the WTO.

Mr. ETHERIDGE. Mr. Speaker, I rise today in opposition to House Joint Resolution 27. Withdrawing from the World Trade Organization (WTO) would be an abandonment of America's leadership in trade and an economic disaster for our nation.

For decades, the United States has been the leading voice in the world for the free market system and economic cooperation among nations because capitalism works for America. We were one of the founders of the General Agreement on Tariffs and Trade as well as its successor, the WTO. America has consistently pushed for a rational, rules-based approach in dealing with international trade because we know our unique, competitive, vibrant, and innovative economy will allow most U.S. economic sectors to compete successfully against any nation provided we have a fair playing field and open access to foreign markets.

If we abandon the WTO, we abandon those years of leadership in trade. Do we want the Europeans or the Japanese to be the economic model other nations look to emulate? Do we really want them to decide the rules by which the rest of the world economy will run? If we shut ourselves out of the process, we put our farmers, manufacturers, businesses, an workers at a strategic disadvantage compared to others in the world.

North Carolina's economy depends on exports, and we need to break down barriers to overseas markets so that our technology, agriculture, manufacturing and other sectors can expand on our progress in international competition. Studies show that one in five manufacturing jobs in North Carolina depend on exports. These jobs on average pay 13–18 percent more than the U.S. average. Every $1 billion in exports creates 20,000 jobs in the United States.

The United States represents only 4.7 percent of the world population. If we want our economy to continue to grow, we need to be able to sell to the other 95.3 percent of the world. The WTO, for all its flaws and faults, remains the best venue for leveling the playing field and gaining access to new markets. That is why I urge my colleagues to vote down this resolution.

Mr. UDALL of Colorado. Mr. Speaker, I would like to clarify my opposition to H.J. Res. 27, a resolution to withdraw U.S. approval of the Uruguay Round Agreement Act establishing the World Trade Organization (WTO).

Although I oppose the resolution, I am glad we are having this debate today. The 1994 law that helped create the WTO included an important provision that allows Congress to reassess U.S. participation in the organization every five years. The constantly shifting global trade landscape makes regular Congressional review of U.S. participation in the WTO especially critical.

Like many of my constituents, I am concerned about investment and jobs moving to other countries that have weaker labor and environmental standards. I am also concerned about the growing U.S. trade deficit, WTO pressure to downgrade our consumer protections, and challenges to our federal laws posed by the WTO's closed dispute resolution tribunals.

But retaining U.S. participation in the WTO doesn't mean we can't or shouldn't work to improve global trading system. The objective should be to mend it, not end it. The WTO is the only international organization dealing with the global rules of trade between nations. Over 90 percent of all world trade is conducted within the WTO.

Withdrawal from the WTO would isolate the U.S. from the international economy. It would also eliminate the best recourse American businesses and workers have when faced with unfair trade barriers: dispute resolution. If we were to withdraw from the WTO, other countries could impose unfair tariffs or other barriers to American goods, or "dump" goods, and we could only retaliate in return and risk getting into a potentially dangerous trade war.

If we want to grow and expand our economic opportunities, we must engage with the rest of the world. I believe that abandoning a rules-based trade system would be detrimental to American families, workers, business, and national security. We need to do all we can to ensure Americans benefit from the global economy. But shutting our doors on the WTO isn't the answer.

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

The SPEAKER pro tempore. Pursuant to House Resolution 304, the joint resolution is considered read for amendment and the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

□ 1230

The SPEAKER pro tempore (Mr. FOSSELLA). The question is on the passage of the joint resolution.

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

Mr. SANDERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 86, nays 338, answered ''present'' 1, not voting 8, as follows:

[Roll No. 239]

YEAS—86

Abercrombie
Aderholt
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bilirakis
Bishop (UT)
Brown (OH)
Cardoza
Coble
Costa
Costello
Davis (IL)
Davis (TN)
Deal (GA)
DeFazio
Doyle
Duncan
Evans
Everett
Feeney
Foxx
Frank (MA)
Franks (AZ)
Garrett (NJ)
Gibbons
Gingrey
Gohmert
Goode
Green, Gene
Grijalva
Hinchey
Hostettler
Hunter
Istook
Jackson (IL)
Jenkins
Jones (NC)
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kucinich
LaTourette
Lee
Lynch
Marshall
McCotter
McIntyre
McKinney
Miller (FL)
Mollohan
Ney
Norwood
Oberstar
Obey
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pombo
Rahall
Rohrabacher
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanders
Schakowsky
Sensenbrenner
Strickland
Stupak
Sullivan
Tancredo
Taylor (MS)
Taylor (NC)
Tierney
Visclosky
Wamp
Waters
Weldon (FL)
Westmoreland
Whitfield

NAYS—338

Ackerman
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Cole (OK)
Conaway
Conyers
Cooper
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (KY)
Davis, Tom
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Frelinghuysen
Gallegly
Gerlach
Gilchrest
Gillmor
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Kanjorski
Keller
Kelly
Kennedy (MN)
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Mack
Maloney
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCrery
McDermott
McGovern
McHenry
McHugh
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Northup
Nunes
Nussle
Olver
Ortiz
Osborne
Oxley
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Salazar
Sanchez, Loretta
Saxton
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
Stearns
Sweeney
Tanner
Tauscher
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Walden (OR)
Walsh
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

Lipinski

NOT VOTING—8

Cox
Davis, Jo Ann
Hastings (FL)
Hobson
Hulshof
LaHood
Menendez
Tiberi

□ 1257

Mrs. CUBIN, Ms. KILPATRICK of Michigan, Ms. McCOLLUM of Minnesota and Messrs. ROGERS of Alabama, BACHUS, BRADY of Texas, KINGSTON and SHADEGG changed their vote from ''yea'' to ''nay.''

Messrs. GARRETT of New Jersey, SULLIVAN, FRANKS of Arizona, GINGREY, BARRETT of South Carolina and MOLLOHAN changed their vote from ''nay'' to ''yea.''

So the joint resolution was not passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. FEENEY. Mr. Speaker, in rollcall vote 239 held today on H.J. Res. 27 I was recorded as "yea." This incorrectly represents my view on this resolution. I intended for my vote to be recorded as "no." I have long been a supporter of free trade, and though I believe the WTO may have some faults, I support the United States membership in the organization.

PRIVILEGES OF THE HOUSE—RESTORING PUBLIC CONFIDENCE IN ETHICS PROCESS

Ms. PELOSI. Mr. Speaker, we are halfway through the first session of the 109th Congress and the Committee on Standards of Official Conduct has yet to begin its important work; and because the chairman of the Committee on Standards of Official Conduct refuses to obey the rules of the House and provide for a nonpartisan staff; therefore, pursuant to rule IX, I rise in regard to a question of the privileges of the House and offer a privileged resolution.

The Clerk read the resolution, as follows:

Whereas, in 1968, in furtherance of its constitutional authority and to promote the highest ethical standards for Members of Congress, the House of Representatives established the Committee on Standards of Official Conduct;

Whereas, the ethics procedures in effect during the 108th Congress, and in the three preceding Congresses, were enacted in 1997 in a bipartisan manner by an overwhelming vote of the House of Representatives upon the bipartisan recommendation of the ten member Ethics Reform Task Force which conducted a thorough and lengthy review of the entire ethics process;

Whereas, Rule XI, clause 3(g) of the Rules of the House, first adopted in 1997 upon the recommendation of the task force, provides that the Committee ''staff be assembled and retained as a professional non-partisan staff'' and ''[a]ll staff member shall be appointed by an affirmative vote of the majority of the Members of the Committee;''

Whereas, Rule XI states that each such staff person ''shall be professional and demonstrably qualified for the position which he is hired'' and is prohibited from engaging in ''any partisan political activity directly affecting any congressional or presidential election;''

Whereas, Rule XI also provides that, ''in addition to any other staff provided by law, rule or other authority,'' the Chair and Ranking Minority Member may each appoint, without a vote of the Committee, one person as a shared staff member from his or her personal staff to perform service for the Committee; and further provides such shared staff persons are exempt from the provision requiring that ''the staff be assembled and retained as a professional, nonpartisan staff'' and the provision stating that ''no member of the staff shall engage in any partisan political activity directly affecting any congressional or presidential election;''

Whereas, from 1997 through 2004, the Staff Director/Chief Counsel and other professional staff were appointed by an affirmative vote of a majority of the members of the Committee, and the shared staff members exercised no supervisory or other authority over the professional staff;

Whereas, in January of 2005, the Chairman of the Committee improperly and unilaterally fired nonpartisan Committee staff;

Whereas, the Chairman now proposed to designate his shared staff person as the Committee Staff Director, clothed with supervisory authority, without subjecting him to a vote of the Committee;

Whereas, because of the Chairman's proposal and with nearly half of the First Session of the 109th Congress having expired, the committee has been unable to carry out its charge, set out in Rule XI, to investigate allegations of misconduct by Members and staff;

Whereas, the Committee's resulting inability to carry out its duties has subjected the House to public ridicule and produced contempt for the ethics process, thus bringing discredit to the House; now be it

Resolved, That the Committee on Standards of Official Conduct is hereby directed to proceed in accord with clause 3(g) of rule XI, to appoint, upon an affirmative vote of the majority of the Members of the Committee, a non-partisan professional staff.

□ 1300

The SPEAKER pro tempore (Mr. SIMPSON). In the opinion of the Chair, the resolution constitutes a question of privileges of the House.

MOTION TO TABLE OFFERED BY MR. BLUNT

Mr. BLUNT. Mr. Speaker, I move to table the resolution.

PARLIAMENTARY INQUIRY

Mr. HOYER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. HOYER. Mr. Speaker, am I correct that if the gentleman from Missouri's motion prevails, that we will be unable to discuss the substance of the motion made by the minority leader?

The SPEAKER pro tempore. The adoption of the motion to table would dispose of the resolution.

Mr. HOYER. I thank the Speaker.

The SPEAKER pro tempore. The question is on the motion to table offered by the gentleman from Missouri (Mr. BLUNT).

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

RECORDED VOTE

Ms. PELOSI. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 219, noes 199, not voting 15, as follows:

[Roll No. 240]

AYES—219

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
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)
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hoekstra
Hostettler
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
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 (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
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
Tancredo
Taylor (NC)
Thomas
Thornberry
Tiahrt
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—199

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
Cardoza
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
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
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)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—15

Bono
Cox
Everett
Granger
Hastings (FL)
Hobson
Hulshof
King (NY)
LaHood
Menendez
Murtha
Strickland
Sweeney
Terry
Tiberi

□ 1323

Ms. DEGETTE changed her vote from ''aye'' to ''no.''

Mr. OXLEY changed his vote from ''no'' to ''aye.''

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO HAVE UNTIL MIDNIGHT JUNE 10, 2005, TO FILE PRIVILEGED REPORT ON DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2006

Mr. WOLF. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight, June 10, 2005, to file a privileged report on a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to clause 1 of rule XXI, points of order are reserved.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO HAVE UNTIL MIDNIGHT JUNE 10, 2005, TO FILE PRIVILEGED REPORT ON SCIENCE, THE DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

Mr. WOLF. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight, June 10, 2005, to file a privileged report on a bill making appropriations for Science, the Departments of State, Justice, and Commerce and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

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

There was no objection?

The SPEAKER pro tempore. Pursuant to clause 1 of rule XXI, points of order are reserved.

LEGISLATIVE PROGRAM

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

Mr. HOYER. Mr. Speaker, I take this time for the purpose of inquiring of the majority whip the schedule for the week to come.

Mr. BLUNT. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Missouri.

Mr. BLUNT. Mr. Speaker, I thank my friend for yielding and also for the cooperation of those on the appropriations bills this week as we move to an early conclusion of this week's work.

Next Monday, the House will convene at 12:30 p.m. for morning hour and 2 p.m. for legislative business. We will consider several measures under suspension of the rules. A final list of those bills will be sent to Members' office by the end of this week. Any votes called on those measures that Members are given notice of will be rolled until 6:30 p.m. on Monday.

On Tuesday and the balance of the week, the House will consider several bills under a rule. First of all, the Science and Departments of Commerce, State and Justice Appropriation Act for fiscal year 2006. Following that, the Department of Defense Appropriations Act for fiscal year 2006; and then, finally, H.R. 2745, the United Nations Reform Act.

I yield back to my friend, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentleman for that information.

First, if the distinguished whip knows, my presumption is, based upon the schedule that has been submitted, that the probability is we will not have votes on Friday next. Is that a reasonable assumption, do you think, for our Members to make?

Mr. BLUNT. Certainly based on the experience we have had for the last three Fridays, the cooperation of both the ranking member and the leadership of the chairman and the subcommittee chairmen on the appropriations committee, we have been seeing this work go a little faster than we had anticipated. That could happen again next Friday.

The experience again of the last three Fridays would lead one to believe that, but next week we will adopt the same approach. We will get this work done early if we can but would advise Members to plan to be here on Friday because we will want to complete the entire agenda that we have laid out for next week's schedule.

Mr. HOYER. Mr. Speaker, can the gentleman tell us, with respect to the appropriations bills, which day of the week, Tuesday and thereafter, you might expect each of the individual bills to come up in particular?

Of course, the defense appropriations bill is of great interest to our Members.

Mr. BLUNT. Mr. Speaker, I believe we will do those in the order that they appeared starting on Tuesday. So I would expect Tuesday's work to include the Science, Commerce, State, Justice Appropriations Act, and then move on to defense appropriations on Wednesday if we are completed with the previous bill, and then to bring the bill to the floor on United Nations reform after that.

Mr. HOYER. Mr. Speaker, I thank the gentleman for that information.

I note, Mr. Whip, that the intelligence authorization bill, which was schedule to be on the floor today, which had been pulled, is not on the schedule for next week.

That obviously is a very important bill. And it is, I would say to my friend, as I understand it, a bill which has the agreement between the chairman of the Intelligence Committee and the ranking Democrat on the Intelligence Committee. So it would seem to be a bipartisan agreement on the substance of the bill. Can the whip tell us when we might see that bill back?

I am sure you agree it is a very important bill, providing for the work of the national intelligence director and providing to make sure that we can keep this country safe from terrorists, and I know that both sides are hopeful that it will come forward pretty quickly.

Can the gentleman tell us when that might be on the floor?

Mr. BLUNT. I would say, in response, that, interestingly, the discussion on that bill, it is an important discussion, is largely between the new Director of National Intelligence and the Armed Services chairman because of some commitments that seemed to have been made and I think were made during the adoption of the 9/11 bill of things that would be included in this bill.

That discussion is going on. We are going to work hard to do everything we can to facilitate a final and complete understanding between the administration and the House on the issues that they are discussing right now. It involves military intelligence and some commitments and discussions that were conducted last year before we moved forward with what was called at that time the 9/11 bill that created the National Intelligence Director's job and did a number of other things to achieve those goals that the whip just mentioned in terms of securing our country in every way that we can.

Mr. HOYER. Mr. Speaker, I thank the whip for the information.

It may be helpful to know that I believe on our side of the aisle, we believe that the gentleman from Michigan (Mr. HOEKSTRA) and the gentlewoman from California (Ms. HARMAN's) agreement was appropriate in the sense that the flexibility be given to the National Intelligence Director to provide for the best possible personnel assignment with reference to maintaining our security and intelligence apparatus in the most effective mode would be correct, if that is of any help to the whip as he considers the support that that proposition may have on the floor.

I realize there are those on his side of the aisle who have some concerns about it. I understand that the Secretary of Defense may have some concern about it. But I think, frankly, I would hope that a very substantial majority of the House would agree both with the Republican chairman of the Intelligence Committee and the Democratic ranking member of the Intelligence Committee.

The gentleman does not have to comment on that, but I thought that it might be useful information for him.

Mr. BLUNT. Mr. Speaker, if I could comment, I would say that we are eager to reach a final understanding on this. But, also, we are eager to be sure that whatever commitments were made and were reached between the administration and the chairman of a significant committee in the House are fully understood and fully complied with. You know, there can be misunderstandings in these kind of discussions, certainly, but we want to be sure that any commitments made by the administration to the Congress and the chairman of its significant committees are fulfilled and, if there are misunderstandings, to be sure that those misunderstandings are worked out before we move forward.

I assure the gentleman that we will be encouraging in that discussion and facilitating it in every way that we can so that it moves forward at the quickest possible time.

Mr. HOYER. Mr. Speaker, I thank the gentleman for that information.

I will ask one more question on the intelligence issue. Does the gentleman know whether the administration is supportive of the position taken by the chairman of the Intelligence Committee and the ranking Democrat on the Intelligence Committee or not? Has the administration taken a position on that?

□ 1330

Mr. BLUNT. I do not know what their position on that is. Again, I am most concerned that we be sure that we understood our positions when commitments were made when that bill was passed that created the National Intelligence Director's position.

Mr. HOYER. Reclaiming my time, I thank the gentleman.

Lastly, we just had a vote on the privileged resolution that was offered by the Democratic leader, the gentlewoman from California (Ms. PELOSI). That resolution, as you know, sought to try to move the ethics process forward so the Ethics Committee could do its work. Hopefully, all of us believe that it is very important that the Ethics Committee be able to undertake its work.

I would hope that the majority would take steps to perhaps discuss in a bipartisan way the implementation of

the existing rules which we believe, as you know, require a majority vote for the hiring of a staff director. That is the way it has always been. From our perspective, that is the way it was intended to be. So it would be a bipartisan or, better yet, nonpartisan handling of the responsibility of the Ethics Committee.

I would hope that in the near term, next week and the days thereafter, that we would work together to try to get this moving forward. Because I think it is important to both sides of the aisle, it is important to the integrity of the House, and I think it is important to the American people.

Mr. BLUNT. I would say it would be hard to be more disappointed than I am that this committee has only met once because of continuing concerns. From the point of view of the majority, I am sure it is our view that we removed what we thought were the obstacles of this committee moving forward with its work, only to find that there is another obstacle. And we do need this committee to work, but all sides need to be looking for ways to make the committee work, not to just find the reasons that the committee does not work, which is my view of this. And we clearly want this committee to work, need this committee to work, and I think the majority has made substantial efforts both publicly and privately to create an opportunity where this committee could do its job.

Mr. HOYER. Reclaiming my time, I thank the gentleman, and I have no doubt about his sincerity in that desire. I would simply observe that had we had the opportunity to debate the privileged resolution, which really seeks to redress the House's positions, that perhaps we could have explored more broadly the differences that exist as they relate to the staffing of the committee. Both sides apparently believe that they are correct in their interpretation, but hopefully both sides want a bipartisan and not a partisan staff to proceed with its work.

Unless the gentleman wanted to say something, I would yield back the balance of my time.

Mr. BLUNT. I appreciate what the whip has said and would only say that we could vote on this and solve it that way, but I assume that would not present the right solution as well.

Mr. HOYER. I think the gentleman is probably correct, and of course the resolution offered did not resolve the question. We understand that. But I think the gentleman is correct, it would not resolve it any more than the vote on the rules in January resolved the changing of the rules and the feeling that they were not appropriate to provide the context in which we could proceed.

I know that the gentleman from Missouri (Mr. BLUNT) very honestly and sincerely, as I do, wants to see this matter resolved and see the committee move forward so it could become a matter of history and not a matter of current debate so we can focus on the important issues confronting this country.

I appreciate the gentleman's comments.

ADJOURNMENT TO MONDAY, JUNE 13, 2005

Mr. BLUNT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debates.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BLUNT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

ANNOUNCEMENT BY COMMITTEE ON RULES ON AMENDMENT PROCESS FOR CONSIDERATION OF H.R. 2745, UNITED NATIONS REFORM ACT OF 2005

Mr. BISHOP of Utah. Mr. Speaker, the Committee on Rules may meet next week to grant a rule which could limit the amendment process for floor consideration of H.R. 2745, the United Nations Reform Act of 2005. The bill was introduced on June 7, 2005, and referred to the Committee on International Relations which ordered the bill reported yesterday and is expected to file its report with the House tomorrow.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Committee on Rules in room H–312 of the Capitol by 10 a.m. on Tuesday, June 14. Members should draft their amendments to the text of the bill as reported by the Committee on International Relations. Members are advised that the text of the bill will be available for their review on the Web sites of both the Committee on International Relations and the Committee on Rules.

Members should use the Office of Legislative Counsel to ensure their amendments are drafted in the most appropriate format. Members are also advised to check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

EXPRESSING THE IMPORTANCE OF IMMEDIATELY REOPENING THE FAMOUS BEARTOOTH ALL-AMERICAN HIGHWAY

Mr. POMBO. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure be discharged from further consideration of the resolution (H. Res. 309) expressing the importance of immediately reopening the famous Beartooth All-American Highway from Red Lodge, Montana, to Yellowstone National Park in Wyoming, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

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

Mr. REHBERG. Mr. Speaker, reserving the right to object, although I am not going to, I would like to sincerely thank the gentleman from California (Mr. POMBO) of the Committee on Resources and the gentleman from Alaska (Mr. YOUNG) of the Committee on Transportation and Infrastructure. I am sincerely grateful that they were willing to move this through on a unanimous consent as quickly as possible.

A crisis has occurred in Montana one more time. It seems like it is feast or famine for us. We were just going into our eighth year of drought, no rain, well beyond the opportunity to recover. And the prediction was it was going to take as much as 16 feet of snow in the mountain to get us caught up in the moisture. We began getting the rains and, unfortunately, the next thing that happened were mudslides closing off the Beartooth Pass.

Some Members might remember the Beartooth Pass was considered to be the crown jewel on the part of Charles Kuralt. As he traveled around the 50 States, he made the determination that of the 50 States that was the most beautiful part of the entire Nation. I am sure there are a lot of Members in this audience that might object to that definition. But if you look at the recorded list that he put together, the Beartooth Pass was something special.

Feast or famine in that area is nothing new. Cooke City, unfortunately, was the site of the 1988 fires in Yellowstone Park. Unfortunately, a forest fire came down within hundreds of feet of the community. They were able to withstand that economic devastation. This is going to create another economic devastation.

The detour that is going to be required to get to the community of Cooke City until this road is reopened probably is about the size of Illinois by the time you get around that detour. It is not just like taking a different route. It is like taking several different States. I know my colleague, the gentlewoman from Wyoming (Mrs. CUBIN), and my colleagues, the gentleman from Idaho (Mr. SIMPSON) and the gentleman from Idaho (Mr. OTTER), know the importance of Yellowstone Park to the

economy of our region. So we really need it.

The sense of urgency shown on the part of the gentleman from California (Chairman POMBO) just cannot be underestimated, and I thank the gentleman for that.

This severely impacts the economy of Carbon County, of Red Lodge, of Cooke City, of Billings, the surrounding area. It is going to be a very complicated fix because it is a switch back. If you have not been there, it ends at the top at about 10,000 feet, a chain of lakes, it is flat, and it is the north entrance to Yellowstone Park. As the mudslides occurred, it took several layers of that switchback out. I think the estimate I heard was about 500 tons of material are sitting on that road.

I will be flying that on Saturday by helicopter, taking a look at the devastation, but it has been an incredible effort, a community effort on the part of the Federal, State, and local jurisdictions as well as the communities coming together.

Again, I thank the gentleman from California (Chairman POMBO) for giving us the opportunity to move this very quickly.

Mrs. CUBIN. Mr. Speaker, will the gentleman yield?

Mr. REHBERG. I yield to the gentlewoman from Wyoming.

Mrs. CUBIN. Mr. Speaker, I too would like to thank the chairman and encourage passage of this resolution.

The Beartooth Highway connects two cities in Montana, but it passes through Wyoming; and many people need to travel on the Beartooth Highway in order to get into Yellowstone National Park. For many, many years this highway has been sorely neglected. It is not safe in its current condition, but it has not been safe for a long time.

Yellowstone National Park is the crown gem of the park system, and it is important to the whole country. So this is something that the country needs to do at this time. I thank the gentleman for yielding.

Mr. POMBO. Mr. Speaker, will the gentleman yield?

Mr. REHBERG. I yield to the gentleman from California.

Mr. POMBO. Mr. Speaker, during the days of May 16 and May 17 of this year, devastating mudslides bisected six sections of the scenic Beartooth All-American Highway between Red Lodge, Montana and Yellowstone National Park. Consequently, visitors to Yellowstone National Park coming from the States of Montana and Wyoming are now and for the foreseeable future required to take a detour to get to the northeast entrance of our Nation's oldest park. This detour could be in place for the entire summer season. Annually, an average of 190,000 visitors come to the park through the northeast entrance.

Mr. Speaker, my resolution acknowledges the importance of the highway in accessing the park and requests that the President take all necessary action to assist the State of Montana in reopening the road.

I thank the gentleman from Alaska (Chairman YOUNG) for allowing this bill to be scheduled. The following is an exchange of letters with him:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC, June 9, 2005.

Hon. DON YOUNG,
Chairman, Committee on Transportation and Infrastructure, 2165 Rayburn HOB, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter dated 9 June 2005 regarding House Resolution 309. I appreciate your willingness to allow the Committee on Transportation and Infrastructure to be discharged to allow it to be considered on the Floor today. I will include a copy of your letter and my response to the CONGRESSIONAL RECORD during deliberations on the bill.

Thank you again for your cooperation.

Sincerely,

RICHARD W. POMBO,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, June 9, 2005.

Hon. RICHARD W. POMBO,
Chairman, Committee on Resources, 1324 Longworth Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you concerning the jurisdiction interest of the Transportation and Infrastructure Committee in matters being considered in H. Res. 309, expressing the importance of immediately reopening the Beartooth All-American Highway from Red Lodge, Montana, to Yellowstone National Park in Wyoming. As you know, the legislation was also referred to the Transportation Committee.

Our Committee recognizes the importance of H. Res. 309 and the need for the legislation to move expeditiously to the House Floor. Therefore, I am willing to have the Transportation Committee discharged from consideration of the resolution. I would appreciate if it you would include a copy of this letter and your response to the CONGRESSIONAL RECORD.

Thank you for your cooperation in this matter.

Sincerely,

DON YOUNG,
Chairman.

I would like to thank the gentleman from Montana (Mr. REHBERG) and the gentlewoman from Wyoming (Mrs. CUBIN) for working with me to move this resolution so quickly through the House.

Mr. REHBERG. Mr. Speaker, I thank the chairman not only for his sense of urgency but his kind consideration in letting me go out of turn in my statement. I thank the chairman. I thank the House of Representatives for its positive consideration of this piece of legislation.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 309

Whereas on March 1, 1872, Yellowstone was established as the world's first national park;

Whereas Yellowstone National Park encompasses over 2 million acres and is one of America's Crown Jewels of the National Park System;

Whereas over 2.8 million people visit Yellowstone National Park annually to admire its world famous geysers, hot springs, and remarkable wildlife, and to hike its more than 950 miles of backcountry trails;

Whereas on May 16–17, 2005, a major mudslide bisected the scenic Beartooth Highway in 6 sections requiring visitors from Montana to undertake a detour to the Northeast Entrance to Yellowstone National Park;

Whereas the scenic Beartooth Highway provides on average 190,000 visitors annually easy access to the Northeast Entrance to Yellowstone National Park;

Whereas the scenic Beartooth Highway has been recognized as one of the most scenic drives in the United States; and

Whereas the scenic Beartooth Highway is the economic artery for the citizens of the gateway communities of Red Lodge, Cooke City, and Silver Gate, Montana: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the critical importance of ensuring unfettered access to visitors of Yellowstone National Park and preserving the economy of Red Lodge, Montana; and

(2) urges the President to take, without hesitation, all necessary actions to assist the Governor of Montana in reopening, as quickly as possible, the scenic Beartooth Highway that provides access to Yellowstone National Park.

The resolution is agreed to.

A motion to reconsider was laid on the table.

HONORING HOUSE PAGES

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

Mr. SHIMKUS. Mr. Speaker, I would like to ask the page class of 2005 to come down and take seats in the first two rows. While we are doing that, I would like to yield to my colleague and friend, the minority whip, the gentleman from Maryland (Mr. HOYER), who is on a time crunch and always likes to say good-bye to our page class.

Mr. HOYER. I thank my friend, and I thank him for the work that he does with the Page Board. His leadership and faithfulness in this effort is very much appreciated, I know, by these young people but appreciated also by the Republican Party and the Democratic Party.

I always like to have this opportunity to thank you young people. You have had an extraordinary opportunity which millions and millions of those your age will never have. You have had an opportunity to see firsthand the operations of the people's House, the House that was established by our Founding Fathers to reflect, as they viewed it, the passions of the people from time to time. That is why we have 2-year elections.

□ 1345

That is why the only way you can serve in the House of Representatives is to be elected. You cannot be appointed. You can be appointed to the

U.S. Senate. You can be appointed Vice President of the United States, but you cannot be appointed to the House of Representatives.

You have had an opportunity on a day-to-day basis to help us make sure that democracy works. You may not think of what you did as high falutin and it perhaps was not, but it was critical to the functioning of this House.

I would ask you as you leave here to leave with a sense of responsibility, a sense of responsibility to convey to your classmates, to your friends in your neighborhood, to your future college classes, your future workers, coworkers, and your families and others and your fellow citizens your view of democracy as it is represented in this House. It is, of course, not perfect, because it is, obviously, human beings that participate in this, and as I know all of you know too well, we humans are not perfect.

However, as Winston Churchill said, while it may not be perfect, it is better than all other forms of government that have been tried. And I have been here now, this is my 26th year. You were born during part of my fifth or sixth term in office. As president of the Maryland Senate, I had the opportunity to run the page program in Maryland, and I always hoped that they would go back and say, you know what, they care, they care about our country, they care about us. They disagree. There are deep divisions from time to time, but, for the most part, almost everyone is trying to represent what they believe to be the best interests of their country.

Therefore, you will urge your fellow citizens to participate in the process, as hopefully you will as well. Having more knowledge than they, the more you participate, the better our democracy will be.

So I thank you for your service, not only on behalf of myself but on behalf of the Democratic Members of this House. There is no partisanship in the respect and affection that we have for all of you outstanding young people who make us proud of the generations that are coming and are confident that our country will be better for your future service and your service now.

I thank the gentleman from Illinois for giving me this opportunity, and I thank him for his leadership of this page board. Good luck.

Mr. SHIMKUS. Mr. Speaker, I will submit the roster of the 2005 pages for the RECORD at this point.

SPRING 2005 PAGES

Katy Ake—CA
Paul Bennett—FL
Rachel Bentley—OH
Emily Berger—CA
Katharine Billingslea—NC
Lauren Boswell—MD
Suzanne Brangan—TX
Stephen Burke—NJ
Kerianna Butler—CA
Jon Calvo—GU
Elsbeth Centola—OR
Joy Chung—IA
Daniel Ciucci—CO
Stella Clingmon—CA
Stephanie Collard—RI
Juleah Cordi—CA
Matthew Cujak—WI
Awapuhi Dancil—HI
Ruben Davis—PA
Lauren DeNunez—CA
Caroline Dickerson—TX
Edward Dumoulin—IL
Timothy Ford—MI
Adam Hammond—ID
Lane Hartley—VA
Alexandra Heard—MD
Lauren Henley—IL
Allison Holmer—CA
Amanda Huth—TX
Sarah Jaeschke—AR
Derek Jennarone—NJ
Holly Johnson—VA
Krystal Johnson—AL
Jaclyn Kahn—NJ
Rosemary Kelley—VA
Zachary Kirihara—CA
Dean Ladin—IL
Thomas Leonard—PA
Peter Linscheid—MI
Seth Lloyd—VI
Anthony Lupo—CA
Tyson McBride—UT
Caitlin McGowan—MN
Conor McManus—FL
Shannon Magnuson—FL
Jeremy Moore—MI
Chelsie Morales—AZ
Richard Moses—KY
Lucy Nicholas—CT
Darren Nowels—MD
Travis Proctor—KS
Danielle Raines—AZ
Rachel Romer—CO
Taylor Salisbury—MO
Matthew Sheldon—NM
Sara Skiles—MS
Kellie Staab—PA
Elizabeth Stone—TN
Joshua Strazanac—MI
Michael Trummel—WY
Dustin Tryggestad—WI
Allison Vanderboll—WA
Sarah Walker—AR
Whitley Wallace—UT
Ginger Wells—KS
Wesley Williams—MA
David Wilson—PA
Kevin Wood—TX

Mr. Speaker, I yield now to the gentlewoman from Guam (Ms. BORDALLO), the delegate from Guam, to address you, as she has a special person here from the territory.

Ms. BORDALLO. Mr. Speaker, I rise today to commend Jon Junior Calvo for his service as a congressional page in the United States House of Representatives. Jon is graduating from the congressional page program on June 10, 2005. It is exciting that his parents, Juan and Doris Calvo, and two of his siblings, Jonathan and Joni Ree, were able to come all the way from Guam, 10,000 miles from Washington, D.C., to celebrate this occasion with us. Celebrating with us here in spirit is his sister Krisinda.

The congressional page program brings together a diverse group of outstanding student leaders from around the country to work in Congress and pursue their studies in the Nation's Capital. It fuses classroom learning with real-world work experience, giving students like Jon a front row seat as history unfolds.

I nominated Jon based upon his strong academic record, his demonstrated commitment to public service, and for his character and leadership in the community. He has lived up to and even exceeded my very high expectations for him.

Jon is the kind of young person that lights up a room when he walks into it and makes a lasting impression on everyone he meets. In his first month in the program, Jon was recognized with a citizenship award that is given to one exceptional student in the program each month. Other Members of Congress have even remarked to me on the floor what an outstanding young person Jon is.

Jon has been extremely active in the page program, serving on the yearbook staff and handling the public relations for the 2005 spring page class play, ''The Black Rose.'' While in Washington, D.C., he was also elected incoming president of the National Honor Society chapter at Father Duenas Memorial School in Guam, where he will complete his studies next year.

I have enjoyed Jon's frequent visits to our office, and we always try and have a little taste of home for him when he stops by, whether it is guyuria, Chamorro chip cookies or red rice.

I thought that coming from Guam Jon might have a rough time adjusting to Washington, D.C.'s, cold winter weather, but I think he actually enjoyed the snow and the ice.

Jon has been an excellent ambassador for the people of Guam during his time here in Washington, spreading the ''hafa adai'' spirit throughout the halls of Congress. As a native speaker of Guam's indigenous language, Chamorro, Jon is a role model and example to other young people in Guam of the importance of preserving one's culture and one's language.

I always enjoy seeing Jon's friendly face on the House floor, and he calls us to let us know that he is going to be on C–SPAN. He will be truly missed when he returns home to Guam. I am sure that I will still see a lot of Jon, though, considering how active he is in the community through his church and school.

Jon is a young man of many talents, and I am excited to see what he will do in life. Whatever he does, I am sure he will continue making a positive contribution to our island.

Before I close, I would like to say congratulations to all the wonderful pages that have come from all over the States in our Nation. You have been a wonderful group of people.

Jon, you have made your family, your church, your school and the people of Guam proud. Si Yu'os Ma'ase for your service, and God bless you.

Mr. SHIMKUS. Mr. Speaker, this always gives me an opportunity to bounce back and forth between the podiums because this is really a special time. I will get a chance to address you all tomorrow at the departure ceremony, which will be a first for me, although being with the page program

for a long time. The work and effort that you have put in, you know what you have done, and we really thank you for your efforts and the sacrifice you have made.

You have heard now from two Members of Congress. There are Members who you know who always pay a little closer attention to the pages because of love and admiration, maybe a history in the program, and we have one of those with us. I would invite him to come up and say his good-byes.

Mr. Speaker, I yield to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Speaker, I thank the gentleman from Illinois for yielding to me. And it is true, I have a very special affection for the page program. I think many of you know it is because I was a page. That is how I got started. Most of you also know the dirty little secret that it was as a Senate page, that I was over on the other side there. That is okay. I was still in the page program.

It was a very special moment in my life to have spent the time that I did here, 3 years. In those days, you could come anytime in your high school years and stay as long as your sponsor would let you stay, as long as you could keep up your grades so that you did not flunk out and leave, and you got to stay around here. I did, and I graduated from the page school. So I know what a difference it has made in my life.

I guess you could say here I am today, I cannot say that the page program propelled me to Congress itself. The vast majority of you will not ever serve in government at all or in elected office perhaps, but I think some of you will. There is no question about that. Some of you will, and you will be very successful at all the things you do. But whether or not you go into government, whether or not you run for office or you enter some other kind of position in the government or go into business or a profession, I think you will find that this experience will stand you in very, very, very good stead.

You will find that not only does it give you kind of a sense of understanding of the government, which is going to impact your life. It does not matter what line of work you go into. Government is going to impact your life, and you are going to have a better understanding than the majority of people because you will have been there and watched it and/or observed for a semester or two semesters.

It gives you a sense of camaraderie or sense of independence at an earlier age than most young people get a chance to be as independent. It gives you a sense of discipline. You learn a lot of discipline skills. You do not have a parent there at night to study, to do the things that you need to do.

I think that the most interesting thing about the page program as I have observed it over the 20 years, 21 years now I have been here in Congress, and a number of those I served as the predecessor to the gentleman from Illinois (Mr. SHIMKUS) as the chairman of the page board, and it was certainly one of the more enjoyable experiences that I have had here in Congress, what I observed is that each class of pages has its own personality and develops its own personality.

So I am not sure exactly how I would describe the personality of this class except I would say maybe I do not know you very well. I would say it is a little more serious than some of the other classes I have seen, a little more reserved, more serious. Maybe that is good. That does not mean it is all bad. I know it is probably not that way back in the dorm in the evenings and not that way on the weekends with you, but I do think this is a class that has had a great deal of seriousness, watched a great deal of things happen here on the floor of the House of Representatives, and I think you deserve a great appreciation for that.

There have been classes, of course, that preceded you just 2 or 3 years ago that experienced the incredible experience of 9/11, of going through that horrific Tuesday morning with so many others of us here. Each page class has its own kind of experiences that it has, but I just want you to know that you are not only appreciated for what you do, but in a very real sense we could not do this job if it were not for you. You really are the grease that make the place just run a little bit more smoothly. You are what make us all feel just a little bit better.

There are other people that could do the job. There is no question about it. We could hire people to do this job. And yet, with a considerable effort and even expense because of maintaining a school, maintaining a dormitory and all the things that have to be done, the question is often asked in the Congress, I have to tell you, and certainly by some constituents, why do we do this and keep this program? I think the answer is right here in front of me. Because of all of you and because of what we see here and because of what you have learned from this and what you have been able to do with this and what I know you will do with this and how I know this experience will and can be a life-changing experience.

Every year in the summer of another group, we can give 70, 75 people to have this kind of experience. It is a very extraordinary experience for you, and I think we have changed your lives and you will go out and touch a lot of other lives, older people, younger people and your peers as well, as you go through life.

So, again, we thank you for the wonderful job that you have done. We want to say farewell but not really farewell. We expect to see you back often and hear from you. You have always watched as the former pages come into the cloakrooms and onto the floor when we are not in session, and so you will be among those. It will be a very special experience for you to be able to come back and observe the younger pages that are here in the following years.

So thank you for the wonderful service you have given us. I want to wish you all very well in your final year of school and the year of school that goes beyond that, because I know all of you are going to be successful in whatever you do. Godspeed. Thank you.

Mr. SHIMKUS. Mr. Speaker, I thank my colleague.

GENERAL LEAVE

Mr. SHIMKUS. 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 my 1 minute today.

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

There was no objection.

Mr. SHIMKUS. Mr. Speaker, the ranking member of the page program is the gentleman from Michigan (Mr. KILDEE), who has been on the program for decades now. I will not say how many decades. And he has been a great help to me in keeping the current environment and the future of the page program grounded to the traditions of the previous classes. He could not stay to talk and address you all, but he did provide me with his comments, and I will submit those for the RECORD along with your names.

Mr. Speaker, I yield to the gentlewoman from California (Ms. WOOLSEY), a colleague who would like to address the class.

□ 1400

Ms. WOOLSEY. Mr. Speaker, thank you for picking and selecting such a great group of young people. I am proud that I have gotten to know you a little bit. I am so motherly when I run into you on the elevators, I see so many of the faces I have asked where are you from, how are you liking this and asked question, question, question. And you have been so patient and polite with me, and thank you very much.

Part of growing up is knowing you have to be polite to adults, and you hope when you are an adult people will be polite with you, particularly pages in the House of Representatives because you represent our entire Nation and our territories. You bring such a perfect, beautiful face to this. Every one of you, you look like the country. That is good for us, and it is good for you, and it is certainly good for the diversity of democracy that we uphold here.

I have learned from you, and I think you have learned from us and are taking a lot back; but at the same time you have contributed so much.

Do not think for a minute you are just here taking. You gave. We know that and appreciate that, and maybe we have not always let you know how much we appreciate you, but we do. Good luck, good future, and congratulations for being just exactly the people you are. Thank you.

Mr. SHIMKUS. Mr. Speaker, I thank the gentlewoman. The pages have given to this institution and the page program. You have set a bar by which we can now challenge other page classes, and I want to thank you.

Mr. Speaker, also joining us is the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. Mr. Speaker, I thank the gentleman for yielding me this time and for all of his work with the page program. I want to thank all of the pages for their service and take a moment to brag a little because Stella is from my district. I know how great Stella is, and I know you know how great she is. We were so delighted to have her join us. She has added a great deal to the page class, including directing the play ''The Black Rose.'' Stella's folks are here today and are going on a tour. So please say hello to them. We are proud of the work you did and the work all of you did.

Mr. Speaker, I had a chance during college to intern here on Capitol Hill twice. It was a different experience than the page experience, but I hope many of you will come back as interns, as staff, and ultimately come back as Members of the House. And if you are lucky, you can become lords in the Senate and then we will have to show even greater respect to all of you.

Mr. Speaker, I thank all the pages very much for their work. It is tremendously appreciated. I want to wish you, Stella, and wish the entire class all the best of luck.

Mr. SHIMKUS. Mr. Speaker, I do not want to steal some thunder from some of the words I will mention tomorrow afternoon and tomorrow evening, but you know what you have been doing and you know the role you have played here and the friends you have made and the relationships you have built. You take a unique quality back with you.

As a former high school history teacher, it is not the book learning; you have actually lived it. You are now some of the most informed people in the operating of the House of Representatives from the whole congressional district in which you reside. You know truth from fiction. You know, as the gentleman from Maryland (Mr. HOYER) said, that people come here well intentioned to do the best job they can for their districts. You have seen the debates, and you have run out of the Capitol. You understand the environment we live in here, that representatives try to balance a thousand balls in the air at one time, and you have had to do that, too.

I am also speaking here for the floor staff on both sides of the aisle who have worked with you diligently, and you have worked with them, whether it is the school program which I applaud you on and your efforts in that respect, or it is the dorm staff. You truly have been a class that many of the people you have had to work with over the past year are honestly saying that they are going to miss you. I cannot think of a better tribute to pay to a group of young men and women, than for those, especially adults that you have had to work with for over a year, to say I am going to miss that class.

Mr. Speaker, these pages have set the bar. We will challenge the incoming classes to try to meet their high standard. I hope they do. I hope we will continue to be better for that.

This period of time is in honor of the pages. You will get to celebrate with your families tomorrow night, say your good-byes and make America stronger by having well-informed young women and young men to get back into the everyday activities of our homes and how to make our country better. Thank you, God bless you all, and God bless the United States of America.

Mr. KILDEE. Mr. Speaker, I would like to take this opportunity to express my personal gratitude to all of the pages who have served so diligently in the House of Representatives during the 109th Congress. I have attached a list of the fine young people who have served this House as Pages.

We all recognize the important role that congressional pages play in helping the U.S. House of Representatives operate. This group of young people, who come from all across our Nation, represent what is good about our country.

To become a page, these young people have proven themselves to be academically qualified. They have ventured away from the security of their homes and families to spend time in an unfamiliar city. Through this experience, they have witnessed a new culture, made new friends, and learned the details of how our Government operates.

As we all know, the job of a congressional page is not an easy one. Along with being away from home, the pages must possess the maturity to balance competing demands for their time and energy.

In addition, they must have the dedication to work long hours and the ability to interact with people at a personal level. At the same time, they face a challenging academic schedule of classes in the House Page School.

I am sure they will consider their time spent in Washington, DC to be one of the most valuable and exciting experiences of their lives, and that with this experience they will all move ahead to lead successful and productive lives.

Mr. Speaker, as the Democratic Member on the House Page Board, I ask my colleagues to join me in honoring this group of distinguished young Americans. They certainly will be missed.

SPRING 2005 PAGES

Katy Ake—CA
Paul Bennett—FL
Rachel Bentley—OH
Emily Berger—CA
Katharine Billingslea—NC
Lauren Boswell—MD
Suzanne Brangan—TX
Stephen Burke—NJ
Kerianna Butler—CA
Jon Calvo—GU
Elsbeth Centola—OR
Joy Chung—IA
Daniel Ciucci—CO
Stella Clingmon—CA
Stephanie Collard—RI
Juleah Cordi—CA
Matthew Cujak—WI
Awapuhi Dancil—HI
Ruben Davis—PA
Lauren DeNunez—CA
Caroline Dickerson—TX
Edward Dumoulin—IL
Timothy Ford—MI
Adam Hammond—ID
Lane Hartley—VA
Alexandra Heard—MD
Lauren Henley—IL
Allison Holmer—CA
Amanda Huth—TX
Sarah Jaeschke—AR
Derek Jannarone—NJ
Holly Johnson—VA
Krystal Johnson—AL
Jaclyn Kahn—NJ
Rosemary Kelley—VA
Zachary Kirihara—CA
Dean Ladin—IL
Thomas Leonard—PA
Peter Linscheid—MI
Seth Lloyd—VI
Anthony Lupo—CA
Tyson McBride—UT
Caitlin McGowan—MN
Conor McManus—FL
Shannon Magnuson—FL
Jeremy Moore—MI
Chelsie Morales—AZ
Richard Moses—KY
Lucy Nicholas—CT
Darren Nowels—MD
Travis Proctor—KS
Danielle Raines—AZ
Rachel Romer—CO
Taylor Salisbury—MO
Matthew Sheldon—NM
Sara Skiles—MS
Kellie Staab—PA
Elizabeth Stone—TN
Joshua Strazanac—MI
Michael Trummel—WY
Dustin Tryggestad—WI
Allison Vanderboll—WA
Sarah Walker—AR
Whitley Wallace—UT
Ginger Wells—KS
Wesley Williams—MA
David Wilson—PA
Kevin Wood—TX

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. MACK). 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.

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.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. NORWOOD. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Texas (Mr. POE).

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

There was no objection.

THREAT TO OUR SOUTHERN BORDER

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

Mr. NORWOOD. Mr. Speaker, I have spoken many times on this floor concerning the need to secure our borders. We must do so if we are going to have any kind of responsible immigration policy and retain our national sovereignty. We know with somewhere between 36,000 and 50,000 additional enforcement personnel on our southern borders, we can catch virtually all of the potential terrorists and drug dealers trying to enter this country illegally.

But we now find that other-than-Mexican illegals, or OTMs as they are referred to by our Border Patrol, have discovered a large loophole in our law. Under this loophole, OTMs can cross our border illegally and be apprehended by our border patrol. The border patrol is then forced to give them paperwork allowing them to bypass all other immigration checkpoints and virtually release them into our country.

This criminal scheme is not the fault of some quirk in U.S. law. It is being forced on our border patrol by international law which we are allowing to undermine our rule of law, national immigration policy, our Constitution, and our sovereignty. International law says illegal immigrants must either be deported to their country of origin or placed in detention. If there is no room in detention, they must be released on bail with a promise that they return later for trial.

There is never any room in detention any more for the millions of illegals violating our southern border every year. And since these illegals are not Mexican, our border patrol is required to buy them airfare back to Brazil, Guatemala, El Salvador, Honduras, China, Iraq, and on and on. So they sign an agreement to show in court in 30 days and are released.

With that paper in hand, they can pass legally through all other border patrol checkpoints and vanish into cities in America. We have caught 90,000 OTMs since October 1, 2004, and 98 percent have failed to show back up in court. Once hidden in large immigration communities inside our country with new false identification, it becomes virtually impossible to apprehend them.

Mr. Speaker, I have stood here before and called for deploying 36,000 troops to our border to effectively close it. But with this situation in place, we could send 1 million troops to our borders, and it would not make any difference. Border patrol says these people swim across the Rio Grande and come looking for our officers with a demand ''permiso,'' for the warrant that gives them a free pass into our Nation illegally.

Mr. Speaker, we need a new law right now. Anyone who crosses our border with Mexico illegally should be considered a citizen of Mexico for enforcement purposes. They should be returned there or incarcerated here immediately. This is not the United Nations or WTO. We represent the people of our districts. We are responsible to the people of the United States and are sworn to defend our Constitution. We have an inherent God-given right to national sovereignty, and this House must not stand by while foreign nations undermine our laws and our independence.

Mr. Speaker, I will be back next week to further this conversation.

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

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

ORDER OF BUSINESS

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to speak out of order.

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

There was no objection.

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, on April 12 at Fort Hood, Texas, President Bush told an audience of thousands of servicemembers that for the first time Iraqi soldiers outnumbered U.S. soldiers in Iraq. That was April 12. Specifically, he put the number of trained and equipped Iraqi forces at 150,000.

This rosy assessment of the situation in Iraq is shocking not only for its arrogance but also for its ignorance. The President was either totally oblivious to Iraq's true security failures, or he was intentionally misleading the American people into thinking peace has taken hold. His statement was uninformed at best, deceitful at worst. Either way, the President's assessment misleads the American people in knowing the true situation in Iraq.

Take, for example, his claim that 150,000 Iraqi soldiers have been trained. Iraq's military leaders reveal the number is closer to 75,000, half of the President's statement; and we are not sure what the quality of training is and how those trained individuals are measured.

Also, the actual number of trained security personnel committed to a secure and democratic Iraq is probably less because, as the chief of police in Basra, General Hassan al-Sade stated, at least half of his 14,000-member militia is openly opposed to a secure Iraq, and another quarter are politically neutral but do not follow his military orders. General al-Sade recently told the Guardian newspaper, ''I trust 25 percent of my force, no more.''

After giving his Fort Hood speech last April, the President never again mentioned that 150,000 Iraqi security personnel have been trained. Perhaps that is because he realized his assessment was entirely inaccurate; but the President never admitted to the American people that he was wrong in his assessment, and he has still not told the American people when he will determine Iraq to be secure or how and when he plans to bring the troops home.

Mr. Speaker, the best way to secure Iraq is to remove U.S. troops from the country. Nothing enrages and unites the Iraq insurgency more than the presence of nearly 150,000 American soldiers on Iraqi soil. One option is to bring one American soldier home for every Iraqi soldier that has been trained. If 75,000 Iraqi soldiers have been trained, half of the President's April 12 assessment, why can we not remove the same number of our own soldiers and bring them home? This is just one idea for exiting Iraq. I encourage the President to come up with his own plan. I am not against supporting the President's plan if it is a good one, but right now he does not even have a plan.

Fortunately, there is a plan that would secure America for the future, SMART security. SMART is Sensible, Multilateral, American Response to Terrorism for the 21st century.

□ 1415

SMART will help us address the threats we face as a Nation. SMART security will prevent acts of terrorism in countries like Iraq by addressing the very conditions which allow terrorism to take root: poverty, despair, resource scarcity and lack of educational opportunities. SMART security encourages the United States to work with other nations to address pressing global issues. SMART addresses global crises diplomatically rather than resorting to armed conflict. Efforts to help give Iraq back to the Iraqis must follow the SMART approach: humanitarian assistance, coordinated with our international allies, to rebuild Iraq's war-torn physical and economic infrastructure.

Mr. Speaker, it has been more than 2 years since the United States started this war in Iraq; and now the American people, especially the soldiers who are bravely serving our country halfway around the world, need and deserve a plan for ending this war. It is time for the President to create a plan to end the war in Iraq and to bring our troops home.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MACK). The Chair will remind all Members that remarks in debate may not engage in personalities toward the President. Policies may be addressed in critical terms, but personal references such as accusations of mendacity are not in order.

THE GREATEST GENERATION

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

Mr. MCCAUL of Texas. Mr. Speaker, one of the most monumental battles of World War II took place in October of 1944 in the Pacific theater in the Battle of Leyte Gulf. One of those heroes who fought on Hell's doorstep in this battle was Major Alan McKean. Major McKean served in the United States Army and was among the millions of others who answered freedom's call in the largest armed conflict in recorded history.

When we consider generations of our past, no one exemplifies the essence of America better than those, part of what we now call the greatest generation. For this generation of Americans, like Major McKean, whose character and resolve was molded by the Great Depression, defeating Adolf Hitler and the Axis powers' reign of terror was just another call to answer. They performed their duty with honor. It was not theirs to question. It was simply expected. We will never forget their triumphs, and we will never forget those victories like the battle of Leyte Gulf which came at such a great cost. Few causes were as worthy. Few prices were as great. Perhaps Winston Churchill said it best when he said of this generation, This was their finest hour.

Men like Major McKean saved an entire world from tyranny and gave people the chance to live under flags of freedom by answering the call to service. To this day and forever, we recall these heroic deeds and we remember and honor those who liberated the world.

Like the soldiers of America's greatest generation, today's service men and women are in distant lands fighting the threat and horror of terror by spreading freedom and making our homeland more secure. America will continue to honor our past and present military because the triumph of its ideals resides in the actions of its heroes. I salute Major Alan McKean and all the service men and women who put themselves in harm's way so that we may live in freedom.

May God bless America, may He bless Major Alan McKean and his wife Dorothy, and may He hold them in the palm of His hand.

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

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

THE ROAD NOT TAKEN

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

Mr. SCHIFF. Mr. Speaker, last month dozens of world leaders, including President Bush, gathered in Moscow to celebrate the 60th anniversary of V–E day. It was fitting and proper for the President and other heads of state to pay homage to the millions who died defeating Nazism and fascism and to commemorate the end of the Second World War.

The year 1945 also marked the beginning of the nuclear age, and even those who had become inured to the destruction that years of fighting had wrought were stunned by the devastation caused by the atomic bombs dropped on Japan. Nuclear weapons have been the dominant feature of the international security landscape ever since, and preventing their proliferation has been a central goal of American Presidents from Harry Truman to George W. Bush.

That is why I cannot understand the failure of the administration to take a leading role at the Nuclear Nonproliferation Treaty review conference that was held at the United Nations from May 2–27. There is near unanimity among policymakers and our Nation's political leadership that nuclear terrorism and the proliferation of nuclear weapons are the greatest threats to our national security. The President has said so himself. But the United States did not dispatch any senior officials to New York and downplayed the importance of the conference. This was shortsighted and dangerous, and the failure to achieve any concrete results at the NPT conference was a major national security setback for the United States as well as for the rest of the world.

The Nuclear Nonproliferation Treaty, which took effect in 1970, has for the most part been successful in limiting the spread of nuclear weapons beyond the original five members of the nuclear club, the Soviet Union, Britain, France, China and the United States. In 1960, John Kennedy wrote that he expected 20 nations would have nuclear weapons by the end of the 1960s. He considered this the gravest threat to world peace and set in motion the events and discussions that culminated in the NPT.

During the 35 years that the treaty has been in effect, only three nations are known to have developed nuclear weapons, India, Pakistan and Israel, and they are not parties to the NPT. North Korea is believed to have a handful of nuclear weapons, and Iran is engaged in a diplomatic game of chicken with the West in its pursuit of nuclear weapons.

Mr. Speaker, after three and a half decades, the NPT is showing its age, and the review conference was held at a critical time for the international community's efforts to halt the spread of nuclear weapons. In December of last year, a panel of experts convened by the U.N. issued a stark warning that we are approaching the point at which the erosion of the nonproliferation regime could become irreversible and result in a cascade of proliferation. One of the members of that panel was Brent Scowcroft, who served as national security adviser to President George H.W. Bush.

The twin nuclear crises with North Korea and Iran have exposed flaws in the NPT's ''grand bargain,'' which was first articulated in President Eisenhower's ''Atoms for Peace'' proposal. In exchange for the commitment to forgo the acquisition of nuclear weapons and to agree to international safeguards and inspections, the NPT guarantees non-nuclear weapon states who are parties to the treaty the peaceful development and use of nuclear energy. The problem with this bargain is that it allows nations like Iran or North Korea access to fissile material and technological know-how that is the necessary precursor for a nuclear weapons program. When the state feels confident it is ready to proceed with a weapons program, it simply opts out of the NPT.

Had it chosen to do to so, the administration could have used the review conference in New York to make it more difficult for states to access nuclear material and technology under the NPT and then walk away from the treaty by providing tough penalties for those who would try.

One proposal by a group of experts at Princeton and Stanford would bar parties withdrawing from the NPT to use fissile materials or production facilities acquired while they were parties to the treaty to make nuclear weapons. The German government also proposed preventing a party from withdrawing from the treaty if that state was in violation of that treaty.

But reinvigorating the NPT requires more than cracking down on Iran and North Korea. It also demands leadership from the declared nuclear weapons states which as part of the NPT committed themselves to reduce their own stockpiles significantly in exchange for non-nuclear states renouncing nuclear ambitions. Unfortunately, the five nuclear weapons states have not done enough, and General Scowcroft and his colleagues chided them in their report for their lackluster efforts.

Matters have not been helped by a State Department brochure handed out at the conference which listed arms control breakthroughs since the 1980s and touted reductions in the U.S. arsenal. But the time line made no mention of the 1996 Comprehensive Test Ban Treaty, a pact negotiated by the Clinton administration and ratified by 121 nations but rejected by this President. The brochure also ignored the 2000 NPT review conference at which the U.S. and other nuclear weapons states committed to practical steps to achieve nuclear safety, including entering into the test ban treaty and negotiation of a fissile material cutoff treaty to ban manufacture and production of additional bomb material.

Mr. Speaker, in the aftermath of World War II, the United States constructed a diverse set of international institutions to guarantee peace and better ensure a future for America and the rest of the world. By going to Moscow, President Bush honored the sacrifice of millions of Americans and other allied personnel to secure our present. But it was the road not taken, the one to New York, that would have helped to secure the future.

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 Ohio (Mr. BROWN) is recognized for 5 minutes.

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

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

(Mr. SIMMONS 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.)

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

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

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

(Mr. DEFAZIO 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 New Jersey (Mr. PALLONE) is recognized for 5 minutes.

(Mr. PALLONE 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 New York (Mr. FOSSELLA) is recognized for 5 minutes.

(Mr. FOSSELLA 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 gentlewoman from Guam (Ms. BORDALLO) is recognized for 5 minutes.

(Ms. BORDALLO addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

CLIMATE CHANGE—NATIONAL COMMISSION ON ENERGY POLICY

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

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to discuss climate change, one of the most important issues facing our planet today. Thankfully, the issue of climate change has been getting more coverage in the national media. While I know that there are many Members in Congress who are committed to taking action, the level of attention paid to climate change in Congress does not match either the urgency of the issue or the concern of the American public. Given the enormous implications for our economy and our environment, this must change. Climate change is real, and we must act.

The steps we must take to address the issue are a matter of great debate. There is a consensus that we must reduce greenhouse gas emissions, but how we do that is not as simple. I applaud my colleagues in the House as well as the Senate who have introduced or supported legislation to address climate change. I have, however, great concern that their proposals, while extremely well-intentioned and well-crafted, do not have sufficient support in the Congress and do not adequately address the economic challenges our country will face as we move toward a less-carbon-intensive economy.

It is my belief that we must take action now to reduce greenhouse gas emissions, but we must do so in a way that would minimize the impact to our economy. We must implement an economy-wide, upstream, all greenhouse gas cap-and-trade emissions reduction program that provides some flexibility and a measure of certainty to those industries and businesses affected.

The National Commission on Energy Policy, a bipartisan group of top experts from energy, government, labor, academia and environmental and consumer groups, developed a set of sensible policy recommendations for addressing oil security, climate change, natural gas supply, and other long-term energy supply challenges. They advocate for a modest, certain and efficient proposal. Their recommendations have been endorsed by major U.S. businesses and labor groups.

One of the key components of their proposal is the concept of a safety valve for the cap-and-trade program. The safety valve essentially puts a price on carbon but provides for an unlimited number of allowances to be sold by the government. Since no one would pay more than what the government charges for allowances, this mechanism effectively controls the price of allowances.

□ 1430

When set at the right price, the safety valve would start the country down the path of slowing the growth of greenhouse gas emissions without causing economic disruption. While there may be less emissions reduction with a safety valve than without one, today we are doing nothing. And the safety valve creates a potential buy-in from those affected by the legislation.

Another component that I believe is important to integrate into any climate change policy is setting a prospective baseline on greenhouse gas emissions. A sound greenhouse gas emissions reduction policy must recognize that the buildup of greenhouse gas has been taking place over the last century. Since greenhouse gas concentrations are a cumulative measure, sharply reducing a particular year's emissions is substantially less important than the alternative, which is to start down the long-term path of gradually slowing the growth of greenhouse gas emissions. This will also allow businesses to plan for a carbon-constrained world.

Mr. Speaker, I believe any climate change policy we implement must also tie our country's efforts to reducing greenhouse gas emissions to those efforts of the major developing countries. We must ensure that they make a similar commitment to our environment and that the United States is not unfairly burdened. It is a major concern of American business and labor that the developing countries participate in slowing the growth of greenhouse gases to a degree comparable to ours. Any program that does not link our emissions reductions to those of the major developing countries would not only be fundamentally unfair but could also reduce America's competitiveness, resulting in the loss of businesses and jobs in the United States.

And, lastly, Mr. Speaker, a climate change policy must also encourage the development of new greenhouse gas emissions reduction technologies.

Mr. Speaker, I submit for the RECORD two documents to supplement what I have said here today, an editorial and a letter.

The long-term resolution of the greenhouse gas emissions issues lies in the research and development of new technology.

Mr. Speaker, there is irrefutable scientific evidence to justify taking action on climate change. The long-term consequences of failing to act are sufficiently well documented, providing us with every incentive we need to act. I know many of my colleagues believe that the United States can and should adopt a greenhouse gas emissions reduction policy, but I believe that such a policy will only garner support if it is modest, efficient, and fair. Most importantly Mr. Speaker, we must begin the process. We must act and we must do so now. Otherwise, we are simply putting the future of our planet at risk.

[From the Washington Post, Jan. 28, 2005]

A WARMING CLIMATE

For the past four years members of the Bush administration have cast doubt on the scientific community's consensus on climate change. But even if they don't like the science, British Prime Minister Tony Blair, one of their closest allies in Iraq and elsewhere, has given the administration another, more realpolitik, reason to rejoin the climate change debate: ''If America wants the rest of the world to be part of the agenda it has set, it must be part of their agenda, too,'' the prime minister said this week.

Mr. Blair's speech came at an interesting moment, both for the administration's energy and climate change policies and for the administration's diplomatic agenda. In the next few weeks, the House will almost certainly vote once again on last year's energy bill, a mishmash of subsidies and tax breaks that finally proved too expensive even for a Republican Senate to stomach. After a House vote, there may be an attempt to trim the cost of the bill and add measures to make it acceptable to more senators—including the growing number of Republicans who have, sometimes behind the scenes, indicated an interest in climate change legislation.

Indeed, any new discussion of energy policy could allow Sens. John McCain (R-Ariz.) and Joseph I. Lieberman (D-Conn.) to seek another vote on their climate change bill, which would establish a domestic ''cap and trade'' system or controlling the greenhouse gas emissions that contribute to global warming.

If domestic politics could prompt the president to look again at the subject, international politics certainly should. Administration officials assert that mending fences with Europe is a primary goal for this year; if so, the relaunching of a climate change policy—almost any climate change policy—would be widely interpreted as a sign of goodwill, as Mr. Blair made clear. Beyond the problematic Kyoto Protocol, there are ways for the United States to join the global discussion, not least by setting limits for domestic carbon emissions.

Although environmentalists and the business lobby sometimes make it sound as if no climate change compromise is feasible, several informal coalitions in Washington suggest the opposite. The Pew Center on Global Climate Change got a number of large energy companies and consumers—including Shell, Alcoa, DuPont and American Electric Power—to help design the McCain-Lieberman legislation. A number of security hawks have recently joined forces with environmentalists to promote fuel efficiency as a means of reducing U.S. dependence on Middle Eastern oil. Most substantively, the National Commission on Energy Policy, a group that deliberately brought industry, environmental and government experts together to hash out a compromise, recently published its conclusions after two years of debate.

Among other things, it proposed more flexible means of promoting automobile fuel efficiency and suggested determining in advance exactly how high the ''price'' for carbon emissions should be allowed to go, thereby giving industry some way to predict the ultimate cost of a cap-and-trade system.

They also point out that legislation limiting carbon emissions would immediately create incentives for industry to invent new fuel-efficient technologies, to build new nuclear power plants (nuclear power produces no carbon) and to find cleaner ways to burn coal. Technologies to reduce carbon emissions as well as fossil fuel consumption around the world are within reach, in other words—if only the United States government wants them.

JUNE 12, 2003.

Hon. JOHN MCCAIN,
Russell Office Building,
Washington, DC.
Hon. JOSEPH LIEBERMAN,
Hart Senate Office Building,
Washington, DC.

DEAR SENATORS MCCAIN AND LIEBERMAN: As Congress takes up the issue of market-based systems to reduce emissions of carbon dioxide and other greenhouse gases, we are writing to encourage you to incorporate an allowance price cap sometimes referred to as a ''safety valve.'' In the context of a cap-and-trade system for emission allowances, a safety valve would specify a maximum market price at which the government would step in and sell additional allowances to prevent the price from rising any further. Much like the Federal Reserve intervenes in bond and currency markets to protect the economy from adverse macroeconomic shocks, this intervention is designed to protect the economy automatically from adverse energy demand and technology shocks. While we disagree on what steps are necessary in the short run, we both agree it is particularly important to pursue them in a manner that limits economic risk.

Our support for the safety valve stems from the underlying science and economics surrounding the problem of global climate change, and is something that virtually all economists—even two with as politically diverse views as ourselves—can agree upon. It is based on three important facts.

First, unexpected events can easily make the cost of a cap-and-trade program that includes carbon dioxide quite high, even with a modest cap. For example, consider an effort to reduce domestic carbon dioxide emissions by 5% below future forecast levels over the next ten years—to about 1.8 billion tons of carbon. This is in the ballpark of the domestic reductions in the first phase of McCain-Lieberman allowing for offsets, the targets in the Bush climate plan, and the level of domestic emission reductions described by the Clinton administration under its vision of Kyoto implementation. Based on central estimates, the required reductions would amount to about 90 million tons of carbon emissions, and might cost the economy as a whole around $1.5 billion per year. However, reaching the target could instead require 180 million tons of reductions because of otherwise higher emissions related to a warm summer, a cold winter, or unexpected economic growth. Based on alternative model estimates, it could also cost twice as much to reduce each ton of carbon. The result could be costs that are eight times higher than the best guess.

Second and equally important, the benefits from reduced greenhouse gas emissions have little to do with mission levels in a particular year. Benefits stem from eventual changes in atmospheric concentrations of these gases that accumulate over very long periods of time. Strict adherence to a short-term emission cap is therefore less important from an environmental perspective than the long-term effort to reduce emissions more substantially. Without a safety valve, cap-and-trade risks diverting resources away from those long-term efforts in order to meet a less important short-term target.

Finally, few approaches can protect the economy from the unexpected outcome of higher energy demand and inadequate technology as effectively as a safety valve. For example, opportunities to seek offsets outside a trading program can effectively reduce the expected cost to a particular emission goal—which is beneficial—but that does not address concerns about unexpected events. In fact, if the system becomes dependent on these offsets, their inclusion can increase uncertainty about program costs if the availability and cost of the offsets themselves is not certain. Another proposal, a ''circuit breaker,'' would halt future declines in the cap when the allowance price exceeds a specified threshold, but would do little to relax the current cap if shortages arise. Features that do provide additional allowances when shortages arise, such as the possibility of banking and borrowing extra allowances, are helpful, but only to the extent they can ameliorate sizeable, immediate, and persistent adverse events.

To summarize, the climate change problem is a marathon, not a sprint, and there is little environmental justification for heroic efforts to meet a short-term target. Such heroic efforts might not only waste resources, they risk souring our appetite to confront the more serious long-term problem. Absent a safety valve, a cap-and-trade program risks exactly that outcome in the face of surprisingly high demand for energy or the failure of inexpensive mitigation opportunities to arise as planned. A safety valve is the simplest, most transparent way to signal the market about the appropriate effort to meet short-term mitigation goals in the face of adverse events.

While trained economists hold divergent views on many topics—as our own views demonstrate—economic theory occasionally delivers a relatively crisp message that virtually everyone can agree on. We believe this is one of those occasions, and hope you will consider these points as Congress addresses various climate change policies in the coming months.

Sincerely,

R. GLENN HUBBARD,
Professor, Columbia University, Chairman, Council of Economic Advisers, 2001–2003.

JOSEPH E. STIGLITZ,
Professor, Columbia University, Chairman, Council of Economic Advisers 1995–1997.

THE UNITED NATIONS

The SPEAKER pro tempore (Mr. MACK). Under the Speaker's announced policy of January 4, 2005, the gentleman from New Jersey (Mr. GARRETT) is recognized for 60 minutes as the designee of the majority leader.

Mr. GARRETT of New Jersey. Mr. Speaker, I rise this evening to discuss a topic of worldwide importance, and that is the United Nations.

The United Nations was created in 1945 after World War II, and it was done to preserve world peace through collective security; and I believe, quite frankly, that it has failed miserably in its role.

As we approach the 60th anniversary of the United Nations, I wanted to discuss the United Nations this afternoon, to look at its original charter and its mission, and evaluate if the United Nations has accomplished what it was designed to do.

If we look over here, we have set out what its initial mission was: ''The United Nations Failing its Mission.'' Its charter calls as follows: The U.N.

charter calls for maintaining international peace and security and to that end to take collective measures for the prevention and removal of threats to peace.''

It sets forth in more detail, if we would read the charter, to maintain international peace and security, to take effective collective measures for the prevention and removal of threats, to bring about the peace and world order.

Secondly, to develop friendly relations among nations based upon respect, respect for the principles of equal rights and self-determination of peoples.

Thirdly, to achieve cooperation in solving international problems, problems of economic, social, cultural, and humanitarian in character.

And fourthly and finally, to promote and encourage respect for human rights and for the other fundamental freedoms that we all hold dear. Freedom from distinctions such as race, sex, language, and religion.

Unfortunately, if we look at the record of the United Nations over the last 60-some-odd years on any one of these issues, I think people would have to be in agreement with me that it has failed on each and every one. The United Nations has not maintained international peace and security. As we point out here, the number of wars that have occurred since 1945 number well over 300 wars. Those wars have translated into the deaths of some 22 million people.

The only times that the United Nations has ever supported intervening to try to actually stop hostilities, to try to prevent wars, to try to do and live up to what its mission says were on two occasions. One was with respect to the Korean War. And the only reason that that came about, if the Members recall their history, was that the Soviet Union at the U.N. in New York boycotted the Security Council meeting, and they were able to take a vote to intervene at that point.

And the second one was much more recent, and that, of course, was in the first Persian Gulf war. But other than those two examples, there has never been any example where the U.N. has successfully stepped in and prevented these wars; and because of it, 22 million lives have been lost.

Just over the last 10 years, there have been multiple genocides that occurred under the United Nations' watch. These have occurred in Bosnia; Rwanda; and now, as we speak, in the Darfur region of the Sudan. Each time the United Nations has failed to take the appropriate action and the action that was needed to put an end to those mass killings, and it was mainly due to political and economic pressures.

If we think about it, the biggest threat right now to the civilized world today, as we speak, is terrorism. And even in this field, the U.N. has failed throughout its existence to develop a clear definition of what terrorism really is.

Another main mission of the United Nations is to promote and encourage human rights and equal rights throughout the world. In this regard we have something called the U.N. Commission on Human Rights. This is the primary body that the U.N. has that is charged with accomplishing this objective. However, again, look at the record and see that the U.N. has failed in this area as well. Countries such as Cuba, the Sudan, China, countries that have a long history of violating human rights, countries such as these sit on the very commission in the U.N. that is supposed to be protecting the human rights and dignity of the people in these countries.

These countries' membership and others like them on this panel destroys the very credibility of this commission; and it prevents the United Nations from achieving its goals, those goals in promoting and strengthening human rights. In fact, it was just a short time ago, several years ago, that Libya, that country with that terrible human rights track record, was selected to serve as the very chairman of the Human Rights Commission.

When we get into the issue of dollars and cents, American taxpayers should be questioning just where their hard-earned tax dollars go. The United States pays almost 25 percent of the entire United Nations budget. The United States pays upwards of 25 percent of the entire budget for the U.N., estimated in the 25 percent ratio. But then when we compare that to the number of votes in the U.N. that side with the United States on important issues relative to the citizens of the state, the pie chart looks particularly different.

On the left, the pie chart showing almost a quarter of the budget coming from the U.S., U.S. taxpayers; on the right the pie chart showing the number of votes that are with us as opposed to being against us, and we just get a slight sliver. What is that number? The share of votes in the U.N. General Assembly siding with the United States is ½ percent. Less than 1 percent of the time does the U.N. side with the United States. The majority of the time, almost 99.5 percent of the time, they are against us. And despite the fact that we pay a vast majority, a huge percentage, of the U.N.'s budget, we have the same voting rights as anyone else there; we have the same voting power as countries such as Tunisia, Bulgaria, El Salvador; the same voting rights as some of the other countries that I mentioned previously, those countries with terrible human rights violation records that serve on the Commission of Human Rights, et cetera. Countries that are headed by dictators and tyrants have the same ability to influence that world body that we do in the U.N.

All these problems that I have mentioned lead back now to the very point that I am trying to make this afternoon, that the United Nations is in serious need of major change and reform. Over the next hour my colleagues and I will discuss some of these problems, problems that the United Nations has had from its very foundation, from its very creation in 1945, and have existed right up to the present time. Some of these problems should be familiar to the Members as we see they make the headlines of some of the papers. Other papers we have to read in the back to actually find out what is going on with the U.N., problems including such things as the now infamous Oil-for-Food scandal, the sexual exploitation of women and little children in the Congo, also the ongoing crisis that I referenced earlier in the Darfur region of the Sudan.

We need to examine now the ways we need to take to reform the United Nations and make it a more accountable and transparent world body, if that is possible.

I should say that I commend the House Committee on International Relations, and the gentleman from Illinois (Mr. HYDE) as well, the chairman of that committee, because he and the committee, as we speak and just recently, have been working to bring up legislation out of the committee now and before this House that will address these problems, bringing up and passing a substantial United Nations reform proposal. I look forward to that legislation coming to the floor of the House for our consideration, for our review, and hopefully for a vote on that legislation soon.

The lack of oversight and accountability by an international body that claims to represent the moral conscience of the world really should not be tolerated, should not be tolerated by the citizens of this country, should not be tolerated by the citizens of the world. As the largest financial contributor to the United Nations in the world, the United States is the one country in the best position now to demand those reforms.

So tonight let us take a look at some of those particular areas that I have referenced already in need of reform with regard to the legislation that we will be seeing soon out of committee and before this House for consideration.

Probably the one that is most familiar to the general public today is that dealing with the Oil-for-Food scandal; and when we think about it, it really is not that familiar to a lot of people because for a long time it was not getting mainstream press attention. In fact, if it was not for a newspaper in New York and a few other papers that focused on this extensively, we would never have seen this issue make the front pages of the paper elsewhere. And if it was not for certain news commentaries on stations like Fox and otherwise that did actually do a good job of bringing this issue to the fore, the rest of the mainstream media failed to dig into this issue to find out what the problems were with regard regards to the Oil-for-Food scandal.

So let us take this opportunity here this afternoon, then, to revisit that topic to allow the public to dig in and take a look at what the history was there and hopefully open the eyes of some people to some of the real problems within the U.N.

With regard to the Oil-for-Food scandal, we have to go back to the first gulf war. Back at that time, sanctions were put in place on Saddam Hussein and his entire regime, and those sanctions were put in place that forbade them from exporting their oil outside of their country. And we know that, of course, the oil revenue was his main revenue stream coming into that country. So restrictions were placed on that country saying that they could not export any more oil. And, of course, that was having a tremendous economic downward impact upon his country and, of course, the people that lived in it as well.

The U.N. became involved and said that there were problems for the regular common people in that country because of these sanctions. So in 1996 these restrictions were softened, and the U.N. established the Oil-for-Food program. And in that program, it allowed the Iraqi government, Saddam Hussein, to sell a limited amount of oil and a limited amount from his reserves, was able to sell outside of that country.

□ 1445

The revenue that would be coming back into Iraq was to be used for humanitarian purposes and supplies, food, housing and the like, medical supplies, for the regular people who were suffering in Iraq.

When the U.N. established this, however, Saddam Hussein demanded certain transaction payments from the companies and officials that were doing business with him. In other words, what happened here, these were basically kickbacks to Saddam Hussein, money that would turn around and then he would be able to use for other purposes, other than helping the people of his country.

The way it worked was simply this: Under the agreement set up with the U.N., he was able to designate those companies that would be the ones that would provide the humanitarian services. Well, if those companies wanted to have anything to do with getting that lucrative contract with his government, he would in turn compel them to make some sort of, I guess you would say, under-the-table kickback to himself personally and his government.

And what did he use that money for? He turned around and used that money for his army, for his generals, for munitions, and, of course, also to provide for the palaces that we have since seen that he enjoyed in that country, meanwhile while his people were destitute and in poverty. Also money that was used to provide funding to Palestinians and the homicide bomber families. Suicide bombing families who engaged in that conduct were soon informed that their families would be receiving a stipend, if you will, of $15,000 to $25,000 or more, care of the Saddam Hussein government, care of the Oil-for-Food revenue stream.

Now, by allowing this corrupt system to continue and allowing Saddam Hussein to manipulate the Oil-for-Food Program and also to bribe government officials from other countries, and the reports have shown there has been an extensive list of government officials and people in high levels and positions in other countries, countries that perhaps it really should not surprise us, whether we are talking about people in Russia or in France, countries that were fighting the United States and our positions where we had taken a tougher stance on Saddam Hussein. I guess now, in retrospect, we know why some of those countries were fighting the United States and our position to try to help the people of Iraq, because there were people over in those countries that were receiving part of those kickbacks from Saddam Hussein.

In the end, how much money was diverted from the legitimate purposes of helping these people? How much money was diverted from providing for food and shelter and medical supplies? Well, altogether, the reports are now looking at $21 billion was stolen by Saddam Hussein at the expense of his own people of his country.

Think about it. The U.N.'s Oil-for-Food Program was created to help provide humanitarian supplies, food and medicine, to the less fortunate. But Saddam Hussein, under the auspices and the willing hand, if you will, of the U.N., was allowed to use that money to advance weapons and military programs as the poor were continuing to be plagued by starvation and disease.

Now the most troublesome facts about the ongoing Oil-for-Food investigation now is the lack of cooperation being provided from the U.N. to get to the very bottom of how all this occurred and what actually took place. We will be taking a look at that in a little more detail to see how those reports came out and the fact that the U.N. continues to this day to fail to cooperate with Congress, with the information that we have sought to receive and also with regard to the information that we had received and actually now that the U.N. would like to get that information back.

I see I have been joined by one of my colleagues, the gentleman from the great State of Florida, who also I would presume would like to speak to the issue of the U.N. and the need for reform and some of the problems with the U.N.

I yield to the gentleman from Florida (Mr. FEENEY).

Mr. FEENEY. Mr. Speaker, I thank the gentleman from New Jersey for his distinguished leadership in this and other matters.

Mr. Speaker, it is very sad that as I go back and talk to people in my district about the role of the U.N., Americans know they are very disturbed by the U.N., but they like the idea of having this United Nations as a place where we can promote world peace and world security and do some other things. It is not until you explain the record of the United Nations, and before then the League of Nations, of total failure when it comes to promoting freedom, total failure when it comes to protecting collective security, total failure across the board that they really get frustrated.

I want to congratulate the gentleman from New Jersey. The U.N. is in need of deep and drastic and dramatic reform, and it is very sad to see liberals in the United States Senate hold up a reformer like John Bolton's nomination merely because he believes that America's security and freedom should come first, and the United Nations needs a serious dose of reality.

I will tell you it has been sad historically to watch the fact that the United Nations, that was primarily the child after World War II of the British Government and the United States Government to promote security for the world and peace, has been a failure.

It was NATO that protected the freedom and the peace during the Cold War. The League of Nations, which was started in 1914–1915, failed to deter any major aggressor, including ultimately Hitler's Germany that attacked Western Europe and threatened peace throughout the world.

Just like the League of Nations failed to protect the security of free countries, so the U.N. has never once had any impact on protecting freedom-loving, peaceful countries from aggressive totalitarian countries, the Cold War being the biggest example but not the only example. The U.N. was of absolutely no value whatsoever throughout the Cold War with the Soviet Union, and it was NATO that preserved through power the peace. As Lady Thatcher said, it was Ronald Reagan who won the Cold War without firing a single shot.

Even in smaller regional conflicts, the U.N. historically has been a total waste of time, money, effort and resources. For example, Cuba having forces in Angola was never deterred by the U.N.; the Soviet Union invading Afghanistan, the Vietnamese and the Korean conflicts, again examples of the complete impotence of the United Nations to the detriment of freedom-loving peoples.

As my colleague pointed out, the Saddam Hussein failure has been a dramatic one, but it is just the most recent one, along with the Oil-for-Food scandal, the perverted use of some U.N. troops in undermining the safety of women and children, actually engaging in the rape and torture of these people.

Even when it comes to peacekeeping, something you would think the United Nations would be good at, they have a miserable record. In Somalia, it was U.N. troops that presided over the largest genocide in the last 10 years. They

actually facilitated the genocide by herding together folks that were ultimately slaughtered. In Rwanda, you had the Tutsis slaughtered by their oppressors. The United Nations was totally useless. In Yugoslovia, you had the horrible situation that resulted from the U.N. embargo, denying one side the arms to protect themselves while the other side engaged in mass slaughter in Bosnia and elsewhere.

I want to end, Mr. Speaker, by thanking the gentleman from New Jersey and saying there are some things that the United Nations can help at: distributing food in times of crisis. They are a nice debating society, but they have never once provided any bit of security to the United States or any of our friends. To the extent that they condemn anybody, it is typically our friends like Israel, when they equated Zionism, the belief that the Jewish people ought to have a state where they can be free from threats from oppression and anti-semitism and absolute genocide. It is Israel that has been condemned more than any other nation on Earth by the United Nations.

Finally, the United Nations has never been united in any way, shape or form. Some people say it is a democracy, but it is a democracy where a majority of the people that vote are actually dictators, tyrants. The majority of the United Nations is governed by places like the African Union, the Arab League and the Islamic Conference, often not only hostile to America's interests but some of these nations actually promoting terrorism itself.

So I congratulate the gentleman from New Jersey. U.N. reform is a must. If we are not going to reform the U.N., it is time to pull out of the U.N., put together a group of freedom-loving, peaceful nations that will engage in real collective security, and not engage in this mirage where we pour our money down a rat trap, fund our enemies often, and embarrass ourselves by being a participant.

I yield back to the distinguished gentleman from New Jersey.

Mr. GARRETT of New Jersey. Mr. Speaker, reclaiming my time, I thank the gentleman for those comments. The gentleman made a number of good points, the last one with regard to what they are good at. Before the gentleman got here, I put up the one chart as to what the charter of the U.N. says, what is their ultimate responsibility, why did we create the U.N. back after World War II. It was basically the larger mission.

There it is. The larger mission is maintaining international peace and security, which means to try to prevent future wars so we would not have another war of the world as we had in World War II, and to try to prevent future wars, where we have had over 300 wars.

Then the gentleman alluded to another point, which is interesting. The gentleman says if they are not doing what the charter tells them to do, which is to try to make us all feel a little more secure at home, that we are not going to engage in another world war, maybe at least, the gentleman suggested, that they are helping out providing the delivery of food and the like, disaster relief.

But I think the gentleman will agree with me, because I know the gentleman follows the issue of the United States providing tsunami relief after the last devastation that occurred at the end of last year, how the White House was immediately taking action. Although it was not getting a lot of press and it was not actually looking for press at that time, the White House and this administration said we are going to just go in and get the job done, and we immediately sent our troops over there, our ships over in that region of the world.

We were not calling up the press on the same day we were doing it. The administration, they just said, we have a problem. Let us get the United States over there and try to solve the problem with regard to getting the food and supplies to the people.

I know the gentleman is very aware of that and was helpful in regard to moving the legislation to get funding there.

But as an individual who has gone on the ground in those countries that were suffering from the tsunami, one of the interesting aspects of it is not so much what the U.N. did, it is what the United States did and what some other bilateral agreements did. As the gentleman recalls, what happened was the United States stepped up and said we will provide troops and equipment immediately. We will also provide funding.

They intermediately entered into agreements with countries like India. India, of course, was right there. They had their ships within less than an hour on the scene. And we were actually getting the job done.

Later, the U.N. became involved. Even after the U.N. slowly began to make its presence known, it was not so much the U.N. that was doing the work, as the gentleman knows, it is the NGOs, all those other, what is the word for it, nonprofit entities, you might sort of say, that were on the ground, that were already in some of these countries, funded in large part by American taxpayer dollars. Those were the guys who were getting the job done.

So, just to conclude, I think the gentleman makes a good point that the U.N. does not do its original mission at all, which is to provide security to this country, but the other point is that all they really do is come in after the fact when it comes to providing food and medicine and still rely upon our tax dollar to get the job done.

Mr. FEENEY. Mr. Speaker, if the gentleman will yield further, I thank the gentleman.

The United Nations, to the extent it does anything, it distributes food and resources largely provided by the United States of America. There are other non-governmental organizations that do at least as good a job on most occasions. If it was not for the generosity of American taxpayers and American contributions, much of the world would never recover from some of the horrible disasters that occur.

But I do believe there is a potential role for the United Nations to play in continuing to be a world welfare organization in times of emergency relief perhaps and maybe a cocktail debating society. But unless there are dramatic reforms, they are good for nothing more. And it is a threat to our security if we even pretend that they ever have deterred an aggressor.

As the gentleman points out with his chart, since 1945, their main mission was to deter aggression by hostile countries to freedom. They have failed 300 times to do their main mission. So let us never depend on the United Nations for our security or to protect American interests.

Mr. GARRETT of New Jersey. Mr. Speaker, reclaiming my time, I thank the gentleman. Before I go on, I will comment that the gentleman's comment about a debating society is one that I have used as well, but it is a debating society made of who? It is a debating society made up of tyrants, dictators and thugs, sort of like governments. I do not know that I really want to be engaged in a debating society like that. But I thank the gentleman for his work and support.

As was alluded to, one of the things the U.N. does not do is prevent wars. One of the things they might be able to do is help the people. That is what they were supposed to be doing with regard to the Oil-for-Food scandal situation, providing food to the people of Iraq through their oil revenue stream.

Unfortunately, as I was alluding to a moment ago, they failed miserably in that respect inasmuch as they allowed the dictator Saddam Hussein to use those dollars for other things, to use those dollars to help build up his military, to use those dollars to help build up their palaces for their generals, some of which I had the opportunity to see when I had gone over to Iraq to visit our troops over there, magnificent palaces that these generals and Saddam Hussein lived in at the time while the rest of the country was basically in squalor and poverty. That is where the Oil-for-Food revenue was going to.

It was also going to, as I said, people outside of his country, bribing basically government officials and other high-ranking individuals in other countries, such as Russia and France and elsewhere, the very same countries that were battling the United States in the U.N. saying that we should not be taking a tough position with Iraq, that we should allow them to continue on with the Oil-for-Food Program.

□ 1500

Well, now we know why. They wanted the Oil-For-Food program to continue

just so that they could continue to have a stream of money coming into their private bank rolls. Well, the U.N. finally found out that that was going on. Investigations were taking place, investigations are taking place here in this Congress. But, as I alluded to a moment ago, the very U.N. that we fund and house here in the United States in New York City, they failed to work with us here in Congress so that we can, as American citizens, get to the bottom of it and find out where our dollars are going to and exactly what sort of transparency we need in order to find out this information. The U.N. has shielded their very own people. The U.N. has said that we are not going to provide documents to Congress that the Congress wants, we are not going to provide people to come and testify before Congress that Congress needs.

So what did the U.N. do in this regard? Well, what the U.N. did do was set up their own commission, or the commission has been set up, as we are all familiar with now, to investigate, which is now known as the Volcker Commission, to investigate the allegations involving the Oil-For-Food.

The problem with that is a number of folds:

First of all, the gentleman who is heading up the Commission, Paul Volcker, an honorable gentleman, but someone it has been discovered has close ties himself to the U.N. in the past and to the Secretary General, Kofi Annan, in the past, as well as other conflicts of interest, so perhaps not the best to be heading up the investigation. Also, as far as the powers that that commission has, lack of subpoena powers, lack of ability to hold people in contempt in order to get them to testify before this commission.

And it is for those reasons that that commission has not done the study and has not done the inquiry that we would all like to have had, so we could get all the information out with regard to the Oil-For-Food scandal and the mismanagement at the top, at least the malfeasance, misfeasance at worst, at the top of the hierarchy of the U.N.

Paul Volcker also has been accused of downplaying Kofi Annan's involvement in the scandal. Several reports have come out of his commission with regard to this scandal, and others. They are called interim reports.

Several weeks ago, unfortunately for them, two of their top investigators who were working on his commission resigned from that investigatory body; they resigned. And the reason they did so, they said, was because they felt that the commission and the reports that have been issued by the commission basically are too soft, not hard-hitting enough, on Kofi Annan and Kofi Annan's involvement with the Oil-For-Food scandal. Those individuals and the information that they have been able to take out as far as documents and what have you would not have been available to Congress, had it not been that those people did not do the honorable thing and stand up and say that they are not going to be part of an investigation that is not much more than a whitewash of what is going on over at the U.N.

The second report, remember I said there were several interim reports, the second interim report's most troubling finding was the fact that Kofi Annan's chief of staff authorized the shredding of documents, numerous documents authorized by the chief of staff of Kofi Annan relating to the Oil-For-Food scandal. He retired on January 15, earlier this year. It was the same day that the committee was informed that these documents had been shredded. In other words, documents that would have been necessary to show the direct involvement of the parties to this action for Oil-For-Food were simply destroyed and shredded.

It is interesting to note that this is the same individual, the same chief of staff that previously had supposedly sent out an order saying that no documents should be discarded, that the commission should have access to all documents that they needed and sought; but at the end of the day, it was that individual himself, the chief of staff, that was found guilty. Well, not found guilty, but found as the individual who was shredding these documents.

Now that these other two individuals have resigned from the commission that have been referenced before because of their views on the report being too soft, they took with them certain documents and they took those documents, and those documents have found their way here to this House and to the investigatory bodies here in this House.

One would think that the U.N. and the Volcker Commission would say, that is fine. Now that you have the documents, go ahead and do all that you need. But what happened right after that? Well, we know from the reports in the press that Paul Volcker then came back and attempted as best he could to block congressional investigations from looking at these documents and, in fact, demanded those very same documents back. So, basically, just a pattern of blocking inquiry into what the U.N. has been doing and a pattern of standing in the way of citizens of the United States and the citizens of the world to see for themselves the poor job that the U.N. has done with regard to living up to its charter of protecting and making a secure world and protecting the people in Iraq.

I see that I am joined here this afternoon, and I appreciate that, by the gentleman from Indiana (Mr. PENCE); and I yield to him.

Mr. PENCE. Mr. Speaker, I thank the gentleman for yielding.

I rise in strong agreement with the sentiment expressed by the gentleman from New Jersey and our colleagues who have spoken in this Special Order, and I especially want to commend the gentleman from New Jersey (Mr. GARRETT) for being one of the singular and most effective voices about the truth about the United Nations in the 21st century on Capitol Hill, and I appreciate his leadership in organizing this Special Order today.

As a member of the newly organized Subcommittee on Oversight for the United Nations, I am especially grateful to have an opportunity to speak and to do so specifically, as the gentleman has requested, about legislation that we on the Committee on International Relations reported, literally just hours ago, when, by a very close vote, and what was I think an extraordinary and civil and thoughtful debate, the Committee on International Relations produced U.N. reform with teeth.

The Henry Hyde U.N. Reform Act of 2005, we believe, will come to the floor of this Congress next week, and it will represent, in sum total, the most significant effort by the people of the United States of America to reform and amend this half-century-old institution. And that is the intention and the purpose of what, when it was introduced with the authorship of the gentleman from Illinois (Mr. HYDE) and my singular cosponsorship, the Hyde/Pence bill purposes to do.

The truth is, Mr. Speaker, that if the United Nations did not exist as a forum for international deliberation, we would very likely have to invent it. The United Nations, not as a world government, but as a world deliberative forum, serves an important role. But because of years of mismanagement, mindless bureaucracy, and, as the gentleman has spoken with force and authority today, profound corruption, this institution's vitality and survival in the 21st century is at risk without fundamental reform. And that is precisely what the Henry Hyde U.N. Reform Act brings.

But I say very carefully and directly, this is not a bill that provides an outline for reform of the United Nations with, if I can speak plainly, the United States providing virtually a third of the funding for this institution and then saying, we think these are good ideas for reform; we sure hope you do too. This is U.N. reform with teeth.

In fact, we use a variety of methods of leverage in the United Nations Reform Act of 2005, but that which has caught the most notice is the potential withholding of 50 percent of U.S. assessed dues if certifications are not made in the critical areas of reform that are described. Those areas include budgeting. The Hyde legislation urges the shifting of 18 programs from regular assessed budget authority to voluntary funded programs that will be a great deal more accountable in the process.

On the subject of accountability, the Hyde legislation mandates the creation of an independent oversight board with broad investigative authority through the Office of Internal Oversight Services, what will come to be known as

the OIOS, will have the authority to initiate investigations into mismanagement and wrongdoing and establish procedures to protect U.N. employees or contractors who serve in a whistleblowing capacity.

In the area of human rights, the U.N. Reform Act also has a get-tough policy mandating that the United Nations adopt criteria for membership on any human rights policy within the institution. Under these criteria, countries that fail to uphold the universal declaration of human rights would be ineligible for membership. Now, this may come as a shock to any that are looking in today, Mr. Speaker, but that is not required today. There are countries who participate in human rights forums in the United Nations that do not uphold the universal declaration of human rights. We say that should not be the case.

And in the area of peacekeeping, where there have been such extraordinary scandals of late, children, little girls, 10, 11 and 12 years of age being sexually molested by blue-helmeted U.N. peacekeepers, which photographs record being made of the molestation and then the trafficking of those records, there are fundamental reforms in the Hyde legislation that would mandate a single and enforceable uniform code of conduct for all personnel serving in peacekeeping missions.

And there is a strict mandate that the criteria of the commission on peacekeeping reform that was adopted by the United Nations, that the five criteria and objectives be implemented in the immediate before any additional peacekeeping operations can be authorized by the President of the United States.

I want to yield back to the gentleman from New Jersey because there will be ample time on the floor next week, I believe, when the U.N. Reform Act comes to this floor, to unpack it for the American people. But it is, in a very real sense, an opportunity to take that information that the gentleman from New Jersey (Mr. GARRETT) is leading on to the floor today and who has been such a champion of, taking the truth about the U.N. and saying, here is the proper response of the American people.

As I close, let me say that one response could simply be the American people, through their elected representatives, could profoundly reduce our participation financially in the United Nations. And it is important to say that the U.N. Reform Act keeps funding level. There is no reduction in funding by the people of the United States of America to the United Nations in the U.N. Reform Act. There is a potential for as much as a 50 percent reduction in assessed dues if the United Nations, through its membership and internal organs, does not fundamentally adopt and implement reform in the next 2 to 3 years.

It is U.N. reform with teeth, and for all of the reasons that the gentleman from New Jersey (Mr. GARRETT) effectively brings to the floor today, the Henry Hyde U.N. Reform Act of 2005 is an idea whose time has come.

I yield back with gratitude to the gentleman from New Jersey.

Mr. GARRETT of New Jersey. Mr. Speaker, I thank the gentleman, as well, for joining us here this afternoon and also for the work that he has already done on the committee. I commend him for that. I know the gentleman is well respected by all of our colleagues for his insightfulness and level-headedness as far as addressing this issue because, as he pointed out, we could be going in either extreme on this issue.

Probably, when we get into the debate on this legislation next week, whether it becomes partisan or not, I can imagine that there will be extremes from both sides, so I appreciate the gentleman's moderation on this and his hard work on this. I am sure the gentleman joins with me in supporting the gentleman from Illinois (Chairman HYDE).

In essence, what the committee is doing is they are looking for in the Reform Act of 2005, these are my words, not the committee's words, but they are looking for oversight, accountability, and cutting bureaucracy, I guess the same thing that they were always looking for in any form of entity, government or otherwise, that plays an important role in our lives. We do not want a huge bureaucracy, we do want a level of accountability so we know who is responsible and we can hold them accountable for what they have done, and we want oversight. We want somebody, as the gentleman from Indiana (Mr. PENCE) alluded to, somebody, some apparatus who would be in a position to be able to step back for a moment and take a look at the situation as a whole and see whether they are complying with their overall charter and complying with their overall mission.

□ 1515

As we have alluded to already this evening, we already know throughout history they have not been doing so, so now we have to decide what to do with it.

I referenced before the problems, the ongoing investigation with the U.N. and what they have found so far. The behavior of the U.N. up to date, in my opinion, is just totally indefensible with regard to their investigations and the investigations that they are taking, blocking for Congress to take. I, for one, take the position, and have signed on to legislation that we had last year when these issues first came up, to say that we should be suspending all, we should be suspending all funding to the U.N. until they agree to fully cooperate and provide us with that level of accountability.

The gentleman from Arizona (Mr. FLAKE) has legislation that addresses the issue and says that we should be withholding some level of funding to the U.N. until there is a true accounting, until we can certify that we actually know where all of that money went to.

Remember how much we were talking about here? $21 billion has been effectively stolen, stolen from the people of Iraq, the poor, destitute people of Iraq, during the entire scandal by Saddam Hussein and other people around the world and his regime, the largest theft, I guess, in world history. And we are just looking for an accountability for that.

It is really an outrage when you think about it. The American public should be outraged about what has occurred at the U.N. The world community should be outraged about what occurred at the U.N., and right over in Iraq in the work of Saddam Hussein and right under the noses of the administrators at the U.N.?

A $21 billion scandal, and it is only now beginning to have the facts come out. We have a responsibility as Members of the Congress to continue with this investigation. We have a responsibility, as alluded to before by the gentleman from Indiana (Mr. PENCE), to make sure that if we are going to be providing them any of your hard-earned tax dollars that we will get to the bottom of it, hold those people responsible for what their actions were, for participating in or profiting from this outrage. They need to lose their jobs or go to jail or both.

So that is just one tip of the iceberg problem with the U.N. And I can allude just to a point how this impacts upon the world issue, world community as far as security and terrorism is concerned. I think I have the chart here.

I referenced before what Saddam Hussein was able to do with the money, buy houses and palaces and military. But part of it, also, in not too complex an arrangement here, part of it also helped to facilitate suicide bombers which we see on TV more frequently than any of us want. But suicide bombers in other parts of the world as well?

I mentioned before that there was a situation where he was getting kickbacks from payments from companies in the Oil-for-Food program. Some of that money then went to a bank account in Jordan. There was also revenue coming into the regime, a $3 a barrel fee for oil. That was paid by the Jordanian Government as part of their agreement over with Iraq to get some of money out. Again, that money ended up in a Jordanian bank account there. There is a bank, Rafidian Bank in Iraq. That money was there; and other sources as well, I should say. The top line here shows sources of money: kickbacks, fee per barrel and other sources of funds as well.

All of that money coming into the regime, and where did it go? Into the various bank accounts that regime controlled. And eventually out of that bank account and to the families of suicide bombers. $15, $20, $25, upwards of $35,000 each was going to the families of suicide bombers to help them

out and to encourage that heinous type of action that we see as life is being taken from other families and individuals.

The regime was supporting it. The U.N. was basically facilitating it by allowing it to occur under their noses.

I am seeing now that I am joined by the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from New Jersey (Mr. GARRETT) for bringing forth this important special order and for his presentation with regard to the United Nations.

I appreciate the opportunity to say a few words about how we might better reform the United Nations and how we might better direct the future of this country and the world. There has been a lot said, Mr. Speaker, about the United Nations and what kind of a structure it is. This country has for a long time believed very firmly in the sense that we can bring together an international dialogue, resolve the world's problems and avoid war. That was why the League of Nations was established and certainly why the United Nations was established. The U.N. was established in an endeavor to correct some of the mistakes that were made with the League of Nations and establish an organization that might function essentially in perpetuity in a fashion that is going to be helpful towards peace and security in the world.

Unfortunately, it has not worked out so much that way, Mr. Speaker. In fact, the entire structure of the United Nations is something we do not talk about very often. It has a huge flaw, and the flaw is this, that in the minds of the people in this country and around the world we believe, since we have a forum there, we have a general assembly there that brings in voices from nearly every nation in the world and they sit in a place and they have an open forum and an open debate, that somehow that is a semblance of democracy and so, therefore, the will of the people of the world will be manifested in the policy of the United Nations.

The big flaw is that many of those people that sit there are either dictators themselves or mouthpieces for dictators, people that would cut the tongues out of their own constituents if they were to stand up and speak like a free people as we do here in this country. So, therefore, the voice of the world is not heard in the United Nations. It is often the voice of the rulers, the despots.

In fact, as we listened to the United Nations and the loudest voices in the United Nations prior to our engagement and liberation of Iraq, we heard a loud noise come from France, and they were organizing intensively to oppose the United States' potential operations in Iraq? That same noise came from Germany, and it came from Russia, and it came from China, where we remember those days two-and-a-half, 3 years ago.

I said at the time that the decibels of resistance to a potential liberation of Iraq that came from those countries and others in addition to that can be indexed almost directly in proportion to their oil interests in Iraq and in the Middle East. In fact, at the time I did not know how prophetic that was, because we were not aware at the time of the Oil-for-Food Program. Now when you add that at least $10.1 billion worth of fraud that came with Oil-for-Food, the $5.7 billion in oil smuggling, the $4.4 billion in illicit surcharges, we know now it is bigger than that.

We know the names of some of the players? We know that those players were in places where their voices were echoed in opposition to the liberation of the Iraqi people. One can only suspect their interest was to continue raking the gravy off of the Oil-for-Food Program and pocket the money themselves. So they had what is called a vested interest. In fact, if I remember the words of Barber Conable, it was, Hell hath no fury like a vested interest masquerading as a moral principle. Well, their moral principle was actually an immoral principle, a principle of profit. That is part of the corruption of the United Nations.

There is a sex scandal within the administration that brought actually sometimes more media than the Oil-for-Food scandal did. And then we have those things.

We need to keep encouraging the investigation into the Oil-for-Food Program, and then we have the operations of peacekeeping in Africa where we have peacekeepers perpetuating sexual violence on innocent citizens, innocent people.

An organization like this that does not have a legitimate oversight program truly needs a U.N. Reform Act? I am 100 percent supportive of this U.N. Reform Act. A number of the components in here are essential. I think it is essential that the United States looks at holding back and reserving some of its dues to the United Nations until we get a bright light that shines on the United Nations, until we have a United Nations that functions as truly the voice of the people of the world and has the accountability like we have here in the United States.

So, with that, I appreciate the opportunity to say a few words.

Mr. GARRETT of New Jersey. I thank the gentleman for his comments. I thank him for his work.

I know that the American public agrees with you when you say that we should be withholding funding to an organization such as this where there is no accountability and there is no transparency of what has been going on all of these many years and this failing mission. So I thank you for your work.

At this time, I see we are joined by the gentleman from Texas.

Mr. POE. Mr. Speaker, I thank the gentleman from New Jersey (Mr. GARRETT) for yielding and his leadership in underscoring the lengthy, loathsome and lewd history that the United Nations possesses, a history of the deception and dishonesty and duplicity.

As a former judge in Houston, Texas, for over 20 years, I believe in consequences for bad conduct. When improper behavior takes place, I do not believe that we should say to the perpetrator, the person responsible, try to do a little better. Normally, we look to the head of the organization when the organization is floundering, especially in corruption.

In order for the U.N. to regain credibility, Kofi Annan must step down. Under his watch, the world's largest financial and human rights scandal has occurred. The U.N. Oil-for-Food scandal makes the Enron scandal in Houston, Texas, look like theft of a toothbrush. This U.N. scandal resulted in millions of lives languishing in Iraq. In the ongoing investigation, it appears as though Kofi Annan and his top staff may have obstructed justice, may have destroyed piles of files that many suspect reveal how he knew what was going on all along.

There should be consequences, and my question is, what is the United Nation's position on the consequences in its own body for improper corrupt conduct? Why cannot the United Nations enforce basic civil rules for conduct?

Let us revisit just briefly some of the accusations against the United Nations in addition to the Oil-for-Food disgrace. How about the 150 allegations of sexual abuse by U.N. civilian staff and soldiers in the Congo? Accusations which include prostitution, rape, pedophilia. Or what about the numerous cases of abuse among peacekeepers in the northeastern town of Bunia? This does not include previous reports of peacekeeping abuses in Cambodia, Ethiopia, Bosnia, and Somalia, and the list goes on and on.

How about the tragic tales of defenseless North Korean defectors who faced deprivation or worse at the hands of U.N.-operated refugee camps? Or the investigations into the involvement of U.N. affiliates in trafficking prostitution in Kosovo? Not to mention, Mr. Speaker, some of the internal misconduct we have heard about like the allegations of sexual harassment, abuse of power, unwanted physical conduct within at least one U.N. administrative office. And let us not forget the indications that Kofi Annan's son, Kojo, may have engaged in corruption by way of the Swiss company for which he worked that inspected items going to Iraq on behalf of the Oil-for-Food program.

Whether or not we ever substantiate claims that the UN's Oil-for-Food initiative has ties to international terrorism, one thing is certain: Outlaws within the ranks of the United Nations have instigated terror in the lives of people across the globe. Rather than weeping for joy at the arrival of United Nation relief, many of those people run in panic at thought of such a sordid savior touching the ground in their own country.

Whatever happened to the United Nations' charter promise that advances

justice and respect for obligations arising from treaties and the dignity and the worth of the human person?

In fact, in raising the United Nations' duty to promoting dignity and humanity, how ironic it has become that countries like Sudan, Zimbabwe, Cuba, Saudi Arabia, and even China now comprise the membership in the United Nations' Commission on Human Rights.

This body must act. It must act now. And it must start with demanding that Kofi Annan step down. He is responsible for the conduct of the United Nation, because in our society we look to the head of any organization. Then let us try to aid congressional investigators in their efforts to unravel the deception and gluttony and the corruption perpetrated for years by the United Nations.

Mr. Speaker, I thank you for allowing me to make those comments; and I hope that we as a body can make a statement that the United Nations is going to be held accountable for its conduct.

Mr. GARRETT of New Jersey. Mr. Speaker, I thank the gentleman from Texas (Mr. POE) for his comments. I thank you for bringing so many of points to the public's attention.

You raise a point of whatever happened to the U.N. charter. That is something we have been discussing tonight extensively. Whatever did happen to the charter and the role that the U.N. was set up for back in 1945?

You also used the expression, I noticed a couple of times as you went through, a litany, a litany of abuses by the U.N., whether it was the 150 human rights abuses or the forced prostitution and on and on. Each time I noticed that you mentioned the words, you said ''not to mention this,'' as a phrase. Well, it is good thing. I appreciate the fact that you are here tonight. I appreciate the fact that you are mentioning these points, because, as you know, most of these points are not being mentioned in the mainstream media. Most of these points are not being driven home back at home, throughout our communities and the rest of the world as well.

So I applaud you for mentioning them and making sure that these are at the front of people's attention so that this body can do just as you said, hold this institution accountable. I thank the gentleman for his work.

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The gentleman has raised so many important points that we need to go to in more detail. And as we begin to look at the reform next week, legislation, I hope that we will have the opportunity to explore each and every one of these in more detail so that the public can have a better understanding of just the number of abuses. We just touched on a little bit of detail about the Oil-for-Food scandal and abuses of the U.N. as far as that scandal and as far as the cover up that seems to be going on.

I join with the gentleman in saying that we should be asking for the head of the U.N. to step down now so that he can be replaced with someone that we all have confidence in in the interim period of time until, if ever, reform is made at the U.N. so that American taxpayers can look and say with pride, this is where our tax dollars are going, as opposed to the abuses where it is going on right now; the abuses that are, as I said before, just a litany. The gentleman mentioned the 150 alleged human rights abuses by the U.N., by the very peacekeepers who are going into these countries that are trying to make these countries safe, such as in the Congo. Instead, they bring tragedy to the very people who become victims of the U.N. as opposed to the warring factions that are over there.

The gentleman made reference also to the idea of forced prostitution. This is forced prostitution by little tiny kids. 10-year-old girls have been allegedly used and compelled into prostitution, a tragedy that is happening under the auspices of the U.N. body that we are funding. These young women, these young girls that are being compelled to be involved in this, the phrase used now just as we had the Oil-for-Food scandal, now we have the sex-for-food scandal as well.

We are talking about impoverished countries over there where food is hard to come by and people are starving in parts of Africa. And they are being, well, forced under these conditions to sell themselves for a jug of milk or a bit of food or for a dollar. For that reason now the phrase sex-for-food is here. They have also been phrased ''the dollar girls'' in these areas as well, again, under the watchful noses and willing acquiescence by the U.N. because it is the very people that the U.N. has engaged over there that have allowed this conduct to go on.

I believe we have significantly more issues to address, but we have only touched the tip of the iceberg as far as the need of reform or the drastic changes as far as the relationship between the United States and the U.N. I thank the Speaker for this opportunity to bring it to the American public.

CATCH THE BUS OF OPPORTUNITY

The SPEAKER pro tempore (Mr. MACK). Under the Speaker's announced policy of January 4, 2005, the gentlewoman from Georgia (Ms. MCKINNEY) is recognized for 60 minutes as the designee of the minority leader.

Ms. MCKINNEY. Mr. Speaker, last month I was able to do a Special Order thanks to the minority leader and her staff who have secured time so that I can come on to the House floor and address this Congress and the leadership of this Congress and the American people.

Last month's Special Order, which is what these talks are called after legislative business has been dispensed with, was about a bus, the bus of opportunity. And it was a plea to the leaders of this Congress, to the leaders of this administration, to the leaders of this country to not allow Americans to be left behind as the bus of opportunity pulls off.

I talked about the experience that I had with a little boy who was trying to catch a metro bus to school. And he yelled to me and I ran and I ran and I ran to catch up with that bus and I told the little boy, You can run. You can catch the bus. And we caught that bus as it idled at a red light. We pounded on the door. The bus driver nodded her recognition of my request to let the little boy board the bus, and then she shook her head no and drove away. The little boy was crushed, but he caught the next bus, and I assume he successfully made it to school.

Then I talked about some statistics from leading organizations that keep them about the dire straits faced by too many Americans, and in particular too many African Americans. I showed these charts on imprisonment, the disparities that exist in our country. If you look at imprisonment, which is an indication of the status of justice in this country, it will take for the gap to close between the rates of imprisonment for African Americans and the rates of imprisonment for white Americans to close, it will take 190 years.

For poverty, for the rate of poverty experienced by African Americans, to catch up to the rate of poverty experienced by white Americans it will take 150 years to close that gap if nothing is done in the area of public policy. Child poverty, 210 years to erase the gap of a large number of African American children who experience poverty. Income, 581 years to close the income gap experienced by African Americans in this country. And, finally, because the President talks about homeownership and the power of homeownership and how this budget that this Congress is now in the process of passing, is to promote homeownership in this country, sadly the rate of homeownership in the African American community pales in comparison to that experienced in the white community. It will take 1,664 years to close the homeownership gap if nothing is done.

So I ask the leadership of this Congress to please pay attention to these statistics because these statistics represent real people. And despite what the Republicans say about us having a growth economy, the sad fact is that if we do nothing, too many Americans are being left behind, too many Americans. And so I ask that we leave no American behind.

Mr. Speaker, in Iraq I ask the question tonight, are we leaving our soul behind? Who are we as a country? What have we become? Do the American people even care? What can we do to regain our soul?

Mr. Speaker, I have noted on this floor that the snows of Kilimanjaro are melting, that the glaciers in the Arctic are melting, that we have real serious

problems that the best minds in our country can devote their talent to solving. And I would like to read a quote from Dwight David Eisenhower about how we choose to spend our resources. He said, ''Every gun that is made, every warship launched, every rocket fired signifies in the final sense a theft from those who hunger and are not fed, those who are cold and are not clothed.'' President Eisenhower said that.

Then John F. Kennedy in his inaugural address reminded us that the world is very different now for man, for man holds in his mortal hands the power to abolish all forms of human poverty and all forms of human life. Kennedy said, ''Finally, to those nations who would make themselves our adversary, we offer not a pledge but a request. That both sides begin anew the quest for peace before the dark powers of destruction released by science engulf all humanity in planned or accidental self-destruction.'' Planned or accidental self-destruction.

Today I would like to do a rollcall, a rollcall of the young men and women who have died in Iraq from my home State of Georgia as compiled by my local newspaper on Monday, May 30. In addition, I would like to read a few articles and I would like to read those articles all with one question or one series of questions in mind: Who are we? What do we stand for? What is being done in our name? Is there a way out?

I will begin to read Georgia's Memorial Day honor roll. Jamaal Addison, 22, died March 23, 2003; Diego Fernando Rincon, 19, died March 29, 2003; Wilbert Davis, age 40, died April 3, 2003; Edward J. Korn, 31, died April 3, 2003, David T. Nutt, 32, died May 14, 2003; John K. Klinesmith, Jr., died June 12, 2003; Michael Crockett, age 27, died July 24, 2003; Nathaniel Hart, Jr., age 29, died July 28, 2003; Bobby Franklin, age 38, died August 20, 2003; Benjamin Freeman, age 19, died October 13, 2003; Jerry Wilson, age 45, died November 23, 2003; Marshall Edgerton, age 27, died December 11, 2003; Christopher Holland, age 26, died December 17, 2003; Nathaniel Johnson, age 22, died January 8, 2004; Ricky Crockett, age 38, died January 12, 2004; Thomas Thigpen, age 52, died March 16, 2004; William R. Strange, age 19, died April 2, 2004; Justin Johnson, age 22, died April 10, 2004; Antoine Holt, age 20, died April 10, 2004; Marvin Camposiles, age 25, died April 17, 2004; Marquis Whitaker, age 20, died April 27, 2004; Christopher Dickerson, age 33, died April 30, 2004.

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Juan Lopez, age 22, died June 21, 2004. Tyler Brown, age 26, died September 14, 2004. Foster Pinkston, age 47, died September 16, 2004. Michael Scarborough, age 28, died October 30, 2004. Kelley Courtney, age 28, died October 30, 2004. Dan Malcom, Junior, age 25, died November 10, 2004. Jonathan Shields, 25, died November 12, 2004. Jeffrey Blanton, age 23, died December 12, 2004. Bennie J. Washington, age 25, died January 4, 2005. Jesus Fonseca, age 19, died January 17, 2005. David Salie, age 34, died February 14, 2005. Tyler Dickens, age 20, died April 12, 2005. John McGee, age 36, died May 2, 2005. Charles Gillican, the Third, age 35, died May 14, 2005.

The sad fact, even sadder than the way I feel right now after having read those names, is that we may not even have the real story. We may not know the true costs of this war. I am told U.S. military personnel who died in German hospitals en route to German hospitals are not counted. So, in addition to the more than 1,000 Americans who have lost their lives in this war, there are an additional 6,210 who died in German hospitals or en route to those hospitals.

Brian Harring writes in the Domestic Intelligence Reporter that the Bush administration has sworn up and down that it will never reinstate the draft. Defense Secretary Donald Rumsfeld, in an op-ed blaming conspiracy mongers for attempting to scare and mislead young Americans, insisted that the idea of reinstating the draft has never been debated, endorsed, discussed, theorized, pondered or even whispered by anyone in the Bush administration.

However, in the Domestic Intelligence Reporter, Brian Harring writes that assertion is demonstrably false. According to an internal Selective Service memo made public under the Freedom of Information Act, the agency's acting director met with two of Rumsfeld's under secretaries in February, 2003, precisely to debate, discuss and ponder a return to the draft.

The memo then proposes in detail that the Selective Service be reengineered to cover all Americans, men and, for the first time, women, ages 18 to 34.

I ask the question, what are we setting ourselves up for? What exactly are we doing?

The Washington Post ran an article, and it told us that the Army was going to issue combat badges for soldiers not in the infantry. The opening paragraph states: Any Army soldier who has seen active combat while in Iraq or Afghanistan may now receive a new Combat Action Badge, making tens of thousands of soldiers who are not in the infantry ranks, including women, eligible for a combat award for the first time. It recognizes that in the current realities of the battlefield and insurgency any soldier can be subject to a combat situation.

However, the story also recognizes that more than halfway through fiscal year 2005 the Army is 15 percent behind in its effort to enlist new soldiers.

What is this administration's position on women in combat?

The Mideast Stars and Stripes ran a story entitled, Marine Raid Breaks Gender Barrier.

''Lance Corporal Erin Libby doesn't want to be treated the same as her male Marine Corps counterparts. But she does want to be treated as an equal, even in combat.

''In a way, she got her chance last weekend when Marines from the 3rd Battalion, 8th Marine Regiment, led a raid into the city of Karmah in search of high-value targets and hidden weapons.

'' 'We're out here, and we're rocking on the front line,' said Libby, a 21-year old from Niceville, Florida.

'' 'This is history,' Chief Warrant Officer Jill St. John is quoted as saying. 'I've been in the Marine Corps for 18 years, and this is my first opportunity to be out with an infantry company. Even 5 years ago, the Marine Corps wouldn't be doing this. This is a major change in how we think women can be used in the military.' ''

Then there is the headline from the Guardian that says, The U.S. Lowers Standards in Army Numbers Crisis. Why do we need to do this?

''The U.S. military has stopped battalion commanders from dismissing new recruits for drug abuse, alcohol, poor fitness and pregnancy in an attempt to halt the rising attrition rate in an Army under growing strain.''

Last month, the Army announced that it was 6,000 soldiers short of its recruitment targets for the year so far, and tomorrow we are supposed to hear the latest numbers for recruitment.

We are told in this article that recruiters have been given greater leeway. By doing things to increase quantity, you are also doing things to decrease quality, but they have made the judgment that that is the way to go.

Now the Stars and Stripes ran a story that has to be disheartening to anyone who would read it. The headline: Advocates See Veterans of War on Terror Joining the Ranks of the Homeless.

''Advocates for the homeless already are seeing veterans from the war on terror living on the street and say the government must do more to ease their transition from military to civilian life.

''Veteran affairs officials estimate that about 250,000 veterans are homeless on any given night, and another 250,000 experience homelessness at some point.''

How can it be that if we have a million people sleeping on the streets of America at night that a quarter of them could be veterans? How do we choose to spend our money? It is certainly not to decrease the disparities that exist in this country, and it certainly is not to get rid of those who are homeless, and it certainly is not to take care of even the veterans, the veterans of our current war on terror. Too many of them are sleeping on the street.

As for the war in Iraq, how did we get into this? My colleagues can come down and talk about the war. War is just a word for many of us who do not experience it, who do not feel it, who do not understand it. But there is an author by the name of James Bamford

who has done a lot of writing about the U.S. intelligence establishment. He has written a new book, and he was interviewed by a Kevin Zeese about the new book. That book is entitled, A Pretext For War, and this is how Bamford explains how it came to be that we got involved in this war. This is what Bamford says.

James Bamford says of his book, ''Pretext is the only book to take an in-depth look at the U.S. intelligence community from before 9/11 to the war in Iraq. It describes how CIA Director George Tenet, while succeeding in increasing the personnel strength of the CIA's clandestine service during the late 1990s, failed to change the culture, direction and training from a Cold War focus to a counterterrorism focus . . . Thus, the CIA never even tried to penetrate al Qaeda during the years leading up to 9/11, believing it too difficult, too dangerous or not their job, depending on which agency official I interviewed.'' This is James Bamford speaking.

He continues to say, ''Pretext also takes the only minute-by-minute look, about one-third of the book, at the confusion and chaos taking place among senior officials in Washington and elsewhere in the hours following the 9/11 attack. It examines everything from the secret locations to which the Vice President and other officials disappeared, to the evacuation of the intelligence agencies, to the highly secret continuance of government procedures that were activated, many for the very first time.

''Next, Pretext describes how the claims involving Iraq's weapons of mass destruction, the connections between Saddam Hussein and al Qaeda and Hussein's involvement with 9/11 were simply used as pretexts for a war long planned by a small group of neoconservatives supportive of the Israeli government's policies and the expansion of U.S. military power throughout the Middle East. It examines how top Bush administration officials, Richard Perle, Douglas Feith and David Wurmser first drafted a plan outlining an attack on Iraq and removal of Saddam Hussein in 1996.

□ 1600

''But the document titled 'A Clean Break' was drafted for Israel not the United States.'' This is James Bamford speaking: ''At the time the three were acting as advisers to newly elected Prime Minister Binyamin Netanyahu. 'Israel can shape its strategic environment. This effort can focus on removing Saddam Hussein from power in Iraq, an important Israeli strategic objective.' Not satisfied with regime change in Iraq, they went on to recommend that Israel shape its strategic environment by rolling back Syria.''

Bamford continues: '' Wurmser then authored a paper in January 2001 arguing that the U.S. and Israel jointly launch a preemptive war throughout the Middle East and North Africa to establish U.S.-Israeli dominance. The U.S. and Israel should 'strike fatally, not merely disarm, the centers of radicalism in the regions of Damascus, Baghdad, Tripoli, Tehran and Gaza.' He added that 'crisis were opportunities.' '' This is Wurmser being quoted by James Bamford. Bamford continues: ''About the same time on January 30, 2001, President Bush held his first National Security Council meeting, and according to former Treasury Secretary Paul O'Neill discussed only two topics, becoming closer to Israel's Ariel Sharon and locating targets to attack in Iraq.''

Bamford continues: ''As Wurmser had suggested following the 9/11 attacks, the Bush administration immediately began using the crisis as an opportunity to launch their long-planned war against Iraq.

''At 2:40 p.m. on September 11, as the Pentagon was still burning,'' and this is Bamford continuing, ''Secretary of Defense Rumsfeld dictated notes of his intention to blame Saddam Hussein even though there was no evidence of such link and all of the intelligence pointed exclusively to bin Laden and al Qaeda. 'Hit S.H. at same time.' '' That is Rumsfeld. '' 'Sweep him up whether related to 9/11 or not.' '' Bamford continues: ''Next Wurmser was put in charge of a secret unit in Feith's office with a cover name Policy Counterterrorism Evaluation Group. Its function was to gather and feed less than credible intelligence, intelligence discounted by the CIA such as the supposed Niger uranium deal to the White House and Vice President CHENEY's office. Wurmser is now Cheney's top Middle East adviser.''

Bamford continues: ''Finally, Pretext closely examines the numerous lies and deceptions presented to the Congress, the American people, and the world in order to justify the war in Iraq.''

Bamford says: ''Finally, Pretext closely examines the numerous lies and deceptions presented to the Congress, the American public, and the world in order to justify the war in Iraq.''

One last note: he also tells us that there is another problem and that is of the CIA's new license to kill anytime and anywhere, overseas without oversight. He says they are now using missile-armed drones to do assassinations in Pakistan, Yemen, Afghanistan, and other places in total secrecy, often without notice even to the host countries; and these problems just scratch the surface in the intelligence community. James Bamford, author, investigative journalist, reporter, telling us the truth about how we came to be in Iraq.

I would invoke another name, the name is Pat Tillman. Pat Tillman's family questions the reversal on the cause of the Ranger's death. The Washington Post tells us that former NFL player Pat Tillman's family is lashing out against the Army saying that the military's investigations into Tillman's friendly-fire death in Afghanistan last year were a sham, and the Army's efforts to cover up the truth have made it harder for them to deal with their loss more than a year after their son was shot several times by his fellow Army Rangers.

Tillman's mother and father said in interviews they believe the government and the military created a heroic tale about how their son died to foster a patriotic response across the country. They say the Army's lies about what happened have made them suspicious and they are certain they will never get the full story. ''Pat had high ideals about the country, that is why he did what he did,'' Mary Tillman said in her first lengthy interview since her son's death. ''The military let him down. The administration let him down. It was a sign of disrespect. The fact that he was the ultimate team player and he watched his own men kill him is absolutely heartbreaking and tragic. The fact that they too lied about it afterwards is disgusting.''

Pat Tillman's father says, ''Maybe lying is not a big deal any more. Pat is dead, and this is not going to bring him back. But these guys should have been held up to scrutiny right up the chain of command, and no one has.

''If this is what happens when someone high profile dies, I can only imagine what happens with everyone else.'' These are quotes from the Washington Post from Pat Tillman's parents.

And then there is the matter of the money, the money, the cost of this war. The cost of these priorities is at the expense of America's neighborhoods. Where is the money?

The Washington Post again tells us that an audit of Iraq's spending spurs criminal probe. Now the Department of Defense has admitted that they cannot track $2.3 trillion, and we know that $100 million has been lost here and $9 million has been lost there, an estimate of $1 billion being lost every month. This Washington Post article says investigators have opened a criminal inquiry into millions of dollars missing in Iraq after auditors uncovered indications of fraud and nearly $100 million in reconstruction spending that could not be properly accounted for.

But the leadership in this administration has told us that we can expect war for the next generation. And, indeed, it appears that preparations are being made for such a war, for such an endeavor. Military expansionism, directly against what Dwight Eisenhower warned us about.

We have been told that Bush and Karzai signed a pact for long-term U.S. military presence in Afghanistan. They called it a strategic partnership. The Guardian tells us that the U.S. military is going to build four giant new bases in Iraq.

These U.S. bases pave the way for long-term intervention in Central Asia. The U.S. Government, we are told, has acquired basing or transit rights for passage of war planes and military supplies from nearly two dozen countries

in Central Asia, the Middle East and their periphery, a projection of American power into the center of the Eurasian land mass that has no historical precedent. All told, there are about 350,000 troops deployed worldwide. According to 2002 Pentagon documents, there were only 46 countries in the entire world that had no U.S. military presence. Only 46 countries in the entire world.

Mr. Speaker, I would like to draw to your attention tonight as I begin to wind down, H.R. 2723, which was introduced recently by my esteemed colleague from New York to provide for the common defense by requiring that all young persons in the United States, including women, perform a period of military service or a period of civilian service in furtherance of the national defense and homeland security, and for other purposes.

H.R. 2723 establishes civilian service, military service, a requirement. It sets out the length of time of that service, conditions for termination of that service, types of civilian service, implementation standards by the President, compensation and benefits for people age 18 to 26. It establishes deferments and postponements for high school students, those experiencing certain hardships and disability, establishes induction exceptions, for example, for people who do not have proper training. It establishes conscientious objection and alternative noncombatant or civilian service, discharge, and includes women.

So I thought I would go to the Selective Service Web site and it tells us that Selective Service is also capable of providing inductees with special skills such as health care personnel after authorizing legislation is passed by Congress and a draft is ordered by the President.

□ 1615

The agency would also administer an alternative service program for men classified as conscientious objectors who are required to perform such service in lieu of serving in the military. The question I asked is, how did we get here and where are we going?

I would just like to conclude with the words, and I do not think I will have enough time to read the entire document, but all of this information that I have recounted today is available on the Internet. It is in the public domain. It is available in newspapers, domestic and international. It is just a matter of being able to put it all together and reading, reading and understanding.

Smedley Darlington Butler, who was a major general in the United States Marine Corps, wrote a little tome entitled, War is a Racket. I would like to submit the entire document into the RECORD and I will read as much of it as I think I can. At least I will read the first opening paragraphs.

''War is a racket. It always has been.

''It is possibly the oldest, easily the most profitable, surely the most vicious. It is the only one international in scope. It is the only one in which the profits are reckoned in dollars and the losses in lives.

''A racket is best described, I believe, as something that is not what it seems to the majority of the people. Only a small 'inside' group knows what it is about. It is conducted for the benefit of the very few, at the expense of the very many. Out of war a few people make huge fortunes.

''In the World War,'' and he is talking about World War I because this was written a long time ago, ''a mere handful garnered the profits of the conflict. At least 21,000 new millionaires and billionaires were made in the United States during the First World War. That many admitted their huge blood gains in their income tax returns. How many other war millionaires falsified their tax returns no one knows. How many of these war millionaires shouldered a rifle? How many of them dug a trench? How many of them knew what it meant to go hungry in a rat-infested dugout? How many of them spent sleepless, frightened nights, ducking shells and shrapnel and machine gun bullets? How many of them parried a bayonet thrust of an enemy? How many of them were wounded or killed in battle?

''Out of war nations acquire additional territory, if they are victorious. They just take it. This newly acquired territory promptly is exploited by the few, the selfsame few who wrung dollars out of blood in the war. The general public shoulders the bill.

''And what is this bill?

''This bill renders a horrible accounting. Newly placed gravestones. Mangled bodies. Shattered minds. Broken hearts and homes. Economic instability. Depression and all its attendant miseries. Backbreaking taxation for generations and generations.

''For a great many years, as a soldier, I had a suspicion that war was a racket; not until I retired to civil life did I fully realize it. Now that I see the international war clouds gathering, as they are today, I must face it and speak out.''

These are the words of Smedley Darlington Butler in his book, War is a Racket.

He goes on, in chapter two, to discuss who makes the profits. He goes through all of the war industries. He talks about the powder people, the steel companies, Anaconda, copper companies, a little increase in profits of approximately 200 percent.

Does war pay? It paid them. But they aren't the only ones, he writes. There are still others. Leather, nickel, sugar. Chicago packers. The bankers. He goes through airplane and engine manufacturers. Shipbuilders.

He says that the Senate committee probe of the munitions industry and its wartime profits, despite its sensational disclosures, hardly has scratched the surface. Even so, it had some effect. The State Department has been studying ''for some time'' methods of keeping out of war, and so the war department suddenly decides it has a wonderful plan to spring to limit the profits in wartime.

Then he asks the question, but what about a limitation on losses? As far, he writes, as I have been able to ascertain, there is nothing in the scheme to limit a soldier to the loss of but one eye, or one arm, or to limit his wounds to one or two or three. Or to limit the loss of life. Of course, the committee cannot be bothered with such trifling matters.

And then in chapter three, he asks, Who pays the bills? He says that the soldier pays the biggest part of the bill.

In chapter four he says, How do we smash this racket? He says a few profit and the many pay. But there is a way to stop it. It can be smashed effectively only by taking the profit out of war. And then he goes on to describe how that could be done.

He says, let the workers in the plants, let the CEOs of the corporations, let the Members of Congress who appropriate the money all get the same wages, all, even the generals and admirals. Let them get the same wages as the total monthly income of a soldier in the trenches. He says, when you can let the kings and the tycoons and the masters of business earn what the soldiers earn, then maybe we will not have war. Maybe we can take the profit out of war and maybe we can put an end to the racket.

In chapter five, Smedley Butler tells us, I do not use these words, but he says, To hell with war.

I wanted to use some of my time, and I do not have much left, to talk about, maybe to introduce what I will talk about next month, and that is the depravities of war and how we can become inhuman and inhumane. It does not take war, but it certainly seems to be exacerbated by war.

I have a situation in my district where young black men already subdued, confined, in jail, tasered to death, how many black men, unarmed black men have been murdered on the streets of our country? The depravities of war. Who are we? What are we becoming? Why is this? I was told that I have to maintain decorum in this place. I think we as a people, we as a country, we as a Nation need to ask ourselves, what are we doing in Iraq? What are we doing around the world? What are we allowing the leadership of this country to do in our name? And when will we stop it?

BILL GOETZ

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

Mr. DAVIS of Kentucky. Mr. Speaker, I rise today in honor of William H. Goetz, who, after 46 years of service to the City of Fort Mitchell, Kentucky, has announced his retirement from public service.

Bill Goetz' career began in 1964 when he began serving on the City Council of

South Fort Mitchell until that city merged with Fort Mitchell in 1967. He continued to serve as a council member for a combined total of 18 years, until 1981 when he was elected mayor.

William Goetz was mayor of Fort Mitchell from 1982 until April of 1993 when he was appointed city administrator and held that position for 12 years, until announcing his recent retirement.

Mr. Goetz has also served the city throughout his career as a member and an officer of numerous local and State organizations, including serving as president of the Municipal Government League of Northern Kentucky, president of the Northern Kentucky Area Planning Commission, chairman of the board of the Kentucky Municipal Risk Management Association, and president of the Kentucky League of Cities, a great record of public service.

Mr. Goetz has shown a devotion to employee relations and spearheaded efforts to improve employee benefits, which in turn allows the city to retain its seasoned employees, a great workforce with a long history of good service.

A devoted family man, Bill Goetz spends much of his free time with a large, extended family cheering on the Cincinnati Reds and the Cincinnati Bengals football team.

The retirement of William Goetz after over four and a half decades of public service will result in his being greatly missed by elected officials, employees, residents, longtime associates and friends of the city. He is a consummate professional who has always been a pleasure to work with, held a wealth of knowledge, demonstrated a will to help others and a will to continually serve the community. I am sure that that will continue long into the future.

Thank you, Bill, for your service.

□ 1630

NUCLEAR ELECTROMAGNETIC PULSE

The SPEAKER pro tempore (Mr. MACK). Under the Speaker's announced policy of January 4, 2005, the gentleman from Maryland (Mr. BARTLETT) is recognized for 60 minutes.

Mr. BARTLETT of Maryland. Mr. Speaker, the subject that I want to spend a few moments talking about this afternoon really began for our country in 1962. We were still testing nuclear weapons then, and for the first time the United States tested a weapon above the atmosphere. This weapon was detonated over Johnston Island in the Pacific. This was a part of a series of tests called the Fishbowl Series, and this was Operation Starfish in 1962. We had no prior experience with the detonation of a weapon above the atmosphere. We prepared for this test with airplanes and ships using radar and theodelites and instrumentation to measure the effects on the ground from a blast that was some 400 kilometers in altitude.

In conversations just today with Dr. Lowell Wood from Lawrence Livermore Laboratory, I learned more of the details of the results of that test. They had not anticipated the magnitude of the effects at the ground under the blast; so many of their instruments simply pegged and they were not able to get a clear indication of the effects. I might note that the Soviets had extensive testing experience with EMP over their own territory. They had a much larger territory than we and some of it quite remote; so they were able to instrument more extensively and had a lot more experience than we have had. This was our first and only experience with a superatmospheric detonation of a nuclear weapon.

The effects over Hawaii, which was about 800 miles away, included several totally unexpected things; so there was no instrumentation on Hawaii to record the effects.

So all they can divine from the effects is what happened. Some street lights went out, and analysis after the fact indicated that these were the street lights that were oriented so that there was a very long line effect. In other words, the wires feeding the street lights constituted a very long antenna which received the signals from the detonation in space such that there was arcing and some of the street lights went out. This was investigated, and some of the failures were retained and were shown to a commission that I will talk about in a few minutes, Mr. Speaker, that spent 2 years studying these effects and the risk to our military and to our country.

There were other effects in communications and so forth. As I said, none of this was expected; so there was no instrumentation. We have since tried to determine the effects of what is called electromagnetic pulse produced by a nuclear detonation. We have done that with laboratory devices, some of them quite large that could expose a whole airplane, but none of them obviously large enough to include miles and miles of long-line effect.

The EMP pulse at that distance was estimated to be about five kilovolts per meter. We will have occasion in a little bit to talk about that in light of present capabilities. Because there was intense activity above the atmosphere, the Van Allen belts were pumped up; so there were a number of low Earth orbit satellites that decayed very rapidly as they passed through the Van Allen belts.

Mr. Speaker, I want to kind of put what we are going to say in context. So I want to indicate here some of the seriousness of EMP and its implications. In 1999, I sat in a hotel room in Vienna, Austria. I was there with 10 other Members of Congress and several staff members. We had there three members of the Russian Duma and a representative of Slobodan Milosevic. This was just prior to the resolution of the Kosovo conflict. We developed with them a framework agreement that was adopted about 5 days later by the G–8, which the Members may remember ended the Kosovo conflict.

One of the members of the Russian Duma was Vladimir Lukin, who was well known to this country because he was the ambassador here at the end of Bush I and the beginning of the Clinton administration. At that time he was a very senior member of the Russian Duma. He was very angry and sat for 2 days in that hotel room with his arms crossed looking at the ceiling. We had not early asked the Russians for help and they felt offended about that, and the statement he made expressing that sentiment was that ''you spit on us. Now why should we help you?'' And then he made a statement that stunned us. The leader of that delegation was the gentleman from Pennsylvania (Mr. WELDON), who speaks and understands some Russian. And when Vladimir Lukin was speaking, he turned to me and he said, ''Did you hear what he said?''

Of course I heard what he said, but I did not understand it because I do not understand Russian.

But then it was translated, and this is what he said: ''If we really wanted to hurt you with no fear of retaliation, we would launch an SLBM,'' which if it was launched in a submarine at sea, we really would not know for certain where it came from. ''We would launch an SLBM, we would detonate a nuclear weapon high above your country, and we would shut down your power grid and your communications for 6 months or so.''

The third-ranking communist was there in the country. His name is Alexander Shurbanov, and he smiled and said, ''And if one weapon would not do it, we have some spares.'' I think the number of those spares now is something like 6,000 weapons.

This likely consequence of a high-altitude nuclear burst was corroborated by Dr. Lowell Wood, who in a field hearing at the Johns Hopkins University applied physics laboratory, made the observation that a burst like this above our atmosphere creating this electromagnetic pulse would be like a giant continental time machine turning us back to the technology of 100 years ago. It is very obvious that the population of today in its distribution could not be supported by the technology of 100 years ago. And I asked Dr. Wood, I said, ''Dr. Wood, clearly the technology of 100 years ago could not support our present population in its distribution,'' and his unemotional response was, ''Yes, I know. The population will shrink until it can be supported by the technology.''

Just a word, Mr. Speaker, about what this EMP is. It is very much like a really giant solar storm. All of us are familiar with solar storms and with the disruption to our communication systems. And this is like a really giant solar storm. It is kind of like really intense static electricity everywhere all at once, all over the whole country. It

is sort of like a lightning strike that is not just isolated to one spot. Different than a lightning strike in terms of the intensities and so forth and the spectrum, but it would be everywhere all at once over a very large area.

I have here in front of me the report, and I will have occasion to refer to that again a little later, the report of the Commission to Assess the Threat to the United States from Electromagnetic Pulse (EMP) Attack. This is the executive summary. The report itself is very thick and there is a big classified addendum to the big report. And I just want to turn to one page here, and this is page 4, and it says: ''What is significant about an EMP attack is that one or a few high-altitude nuclear detonations can produce EMP effects that can potentially disrupt or damage electronic and electrical systems over much of the United States virtually simultaneously at a time determined by an adversary.''

I talked a little bit about what EMP is. It produces a large number of Compton electrons above our atmosphere which are trapped by the magnetic fields around the Earth. They move at the speed of light. The prompt effects are such that if the voltage is high enough, all electronic equipment within line of sight is damaged or destroyed. These are called prompt effects. And, of course, satellites are very soft because it costs about $10,000 a pound to launch a satellite; so they do not launch a lot of hardening on the satellite if they do not need to.

So all of the satellites within line of sight would be taken out by prompt effects. It would not go so high, by the way, as the satellites that are 22,500 miles above the Earth. And it would pump up the Van Allen belts so that satellites that were not in line of sight would die very quickly and one could not reconstitute the satellite network by launching new ones because they also would die quickly.

Let me show a chart here that shows the effects of this bomb exploding over the United States, and this shows a single weapon. This shows a single weapon detonated at the northwest corner of Iowa, and it shows it at about 600 kilometers high, and this would blanket all of the United States. And the concentric circles here, not true circles because there is a little distortion of the electrical fields by the magnetic waves around the Earth, but these represent the intensity of the field that is produced by this. At the center we can see it is 100 percent. But even out at the margins of our country, it is down to 50 percent.

Now, a little later I will show a statement from some Russian generals that were reviewed by the people who put together this report, and they said that the Russians had developed weapons that produced 200 kilovolts per meter. Remember, the effects in Hawaii were judged to be the result of five kilovolts per meter. So this is a force about 200 times higher. The Russian generals said that they believed that to be several times higher than the hardening that we had provided for our military platforms that they could resist EMP.

Others know about EMP. I did not want anybody to believe that we were letting the genie out of the bottle and others did not know about that. I mentioned earlier the statement by Vladimir Lukin, the Russian member of their Duma, and this is the statement that I referred to here, and that was in May 2, 1999: ''Chinese military writings described EMP as the key to victory and described scenarios where EMP is used against U.S. aircraft carriers in the conflict over Taiwan.'' So it is not like our potential enemies do not know that this exists. The Soviets had very wide experience with this, and there is a lot of information in the public domain relative to this.

''A survey of worldwide military and scientific literature sponsored by the commission,'' that is the commission that wrote this report, ''found widespread knowledge about EMP and its potential military utility including in Taiwan, Israel, Egypt, India, Pakistan, Iran, and North Korea.

□ 1645

Terrorist information warfare includes using the technology of directed energy weapons. These are little weapons that produce an EMP-like effect, but over a very much more restricted area, and also electromagnetic pulse produced from nuclear weapons.

By the way, an enemy no more sophisticated than Saddam Hussein would need no more than a tramp steamer, a Scud missile and a crude nuclear weapon like is probably available in North Korea or might be bought or stolen from some Russian source. That would not shut down the whole United States, because the Scud missile could not carry it high enough, but it would certainly shut down the whole Northeast.

By the way, this is not like the Northeast blackout that we had a couple of years ago. This would produce damage that you would not recover from simply by turning a switch. It would probably destroy large transformers. These very large transformers are made to order, and if you need one, they will build you one, not in this country, we do not build the big ones anymore, they will build you one over in Europe or Scandinavia, and it will take maybe a year-and-a-half to 2 years to get it. So it is not like you are going to recover from this tomorrow.

Iran has tested launching of a Scud missile from a surface vessel, a launch mode that could support a national or transnational EMP attack against the United States.

We have a second chart which shows more of the evidence that potential enemies out there know that this is a potential weapon.

''If the world's industrial countries fail to devise effective ways to defend themselves against dangerous electronic assaults, then they will disintegrate within a few years. 150,000 computers belong to the U.S. Army. If the enemy forces succeed in infiltrating the information network of the U.S. Army, then the whole organization would collapse, the American soldiers could not find food to eat, nor would they be able to fire a single shot.''

I kind of think they would be able to find food to eat. This is from an Iranian journal, so you know they know about this and they are thinking about this.

''Terrorist information warfare includes using the technology of directed energy weapons, magnetic pulse.'' I referred to that earlier.

Iran has conducted tests with its Shahab-3 missile that have been described as failures by the Western media because the missiles did not complete their ballistic trajectories, but were deliberately exploded at high altitude. This, of course, would be exactly what you would want to do if you were going to use an EMP weapon.

Today we are very much concerned, Mr. Speaker, about asymmetric weapons. We are a big, powerful country. Nobody can contend with us shoulder-to-shoulder, face-to-face. So all of our potential adversaries are looking for what we refer to as asymmetric weapons. That is a weapon that overcomes our superior capabilities. There is no asymmetric weapon that has anywhere near the potential of EMP.

Iran described these tests as successful. We said they were a failure because they blew up in flight. They described them as successful. Of course, they would be, if Iran's intent was practicing for an EMP attack.

Iran's Shahab-3 is a medium-range mobile missile that could be driven on to a freighter and transported to a point near the United States for an EMP attack. I might state that an early use of EMP is a common occurrence in Russia and Chinese war games.

I just would like to spend a moment or two talking about kind of the history of how we got here and why the big concern about EMP and the risk that it poses to us. I mentioned Operation Starfish in 1962.

Then we really had a scary event which we did not know about for quite some time that happened in 1995 when there was a Norwegian weather rocket that was set off. The Norwegians had told the Russians that they were going to fire this weapon, but that did not get to the proper level. When the weapon was fired, it was interpreted by the Russians as a potential first strike of the United States against them and they had alerted their nuclear missile response. They came very close to launching that, and we did not know about that until some time after.

In 1997 I had a very interesting experience. I am on the Committee on Armed Services. This was during the Clinton administration, and he had set up a Commission on Critical Infrastructure. General Marsh, retired, was

chairing that Commission on Critical Infrastructure. This was infrastructure that was so critical that if an enemy could take it out, we would be very much disadvantaged by it. I asked him about EMP, had they looked at that?

His answer was, yes, they looked at it.

Well?

He said, well, we did not think there was a high probability that would happen, so we did not continue to look at it anymore.

I told him, gee, with that attitude, if you have not already, I am sure when you go home tonight you are going to cancel the fire insurance on your home.

What one needs when there is the potential for a very high-impact, low-probability event, is what we call insurance. I think that every American citizen has the right to ask their government, have you made the proper insurance investment to protect me, to protect my country, in the event, which we hope is not a high probability, in the event that there is an EMP attack against our country?

Your home burning, by the way, is not a high probability event. You may have a $300,000 home and it may cost you $300 for fire insurance for the year. So you can do the simple arithmetic that tells you the insurance company does not expect very many homes to burn that year.

Then the next event in this little timeline was my trip to Vienna, Austria, when I met there in that hotel room with Members of the Russian Duma. In 2001 we had some tests at Aberdeen with a device that was made using only the equipment that a terrorist might buy from Radio Shack or a place like that to see if you could put together a directed energy weapon, a weapon, by the way, that if sophisticated enough one might drive down Wall Street and take out all the computers in the financial market. It would not go further than that, but if it did that, that would, of course, be an enormous blow.

In 2001, the Commission was set up and then in 2004, last year, we have the report of the Commission.

I just would like to show you a chart now of the commissioners. We will not have time to talk about the capabilities of all of these commissioners, but I will assure you that these are all giants in their area. They were appointed from among the foremost scientists, experts and military officers in the United States to achieve a mix of talent on scientific aspects of EMP, nuclear weapon design, military implications of EMP and the effects of EMP on civilian and military infrastructures.

Dr. William Graham, the Commission chairman, was science advisor to President Reagan. He ran NASA and was one of the first scientists to study the EMP phenomenon when it was first discovered by its United States in 1962.

Commissioner John Foster, Johnny Foster, who designed most of the nuclear weapons in the inventory the United States today, was a director of the Lawrence Livermore National Laboratory, and for decades has been a close adviser to the Department of Defense on nuclear matters.

Dr. Lowell Wood is a member of the director's staff at Lawrence Livermore National Laboratory where he inherited the scientific mantel of Dr. Edward Teller, the inventor of the hydrogen bomb.

I had a very interesting personal experience related to Dr. Lowell Wood. When I became interested a number of years ago in EMP and the potential implications, I knew that Tom Clancy, who lives in Maryland and he has come to do several events for me, I knew that he had a novel in which EMP was one of the sequences in his novel. I know that Tom Clancy does very good research. So I called to ask him about EMP and its implications.

He said that if I had read his book, I probably knew as much about EMP as he knew, but he was going to refer me to what he said was in his view was the smartest person hired by the U.S. Government, and that was Dr. Lowell Wood. So Dr. Lowell Wood comes with great recommendations.

Commissioner Richard Lawson was a USAF general, served on the Joint Chiefs of Staff and was Deputy Commander-in-Chief of the U.S.-European Command.

Dr. Joan Woodard, I had a very interesting experience with Dr. Woodard. I was visiting my son and daughter and children out in Albuquerque, he works at the Sandia Labs, and he brought home a little note talking about a seminar they were having which was exploring some issues that I thought would be relevant to the work that the Commission was doing. I did not know at that time that she was a member of the Commission.

So I asked for a briefing, and I spent 5 hours in a classified briefing at Sandia Labs. And it was not just Dr. Joan Woodard, it was a large number of people at the labs there that were focusing primarily on the national infrastructure consequences of this.

What I would like to do now is go through some of the statements and recommendations of the report. The next chart shows the threat and the nature and magnitude of EMP threats within the next 15 years.

On the right you see the coverage that is produced by weapons detonated at various altitudes. I mentioned 600 kilometers. Actually 500 kilometers pretty much covers the margins of our country and, of course, the lower the altitude you detonate it, the less area that it covers, but the higher will be the intensity of the pulse that is produced.

This is a direct quote from the EMP Commission report: ''EMP is one of a small number of threats that may hold at risk the continued existence of today's U.S. civil society.''

Now, that is couched in the careful kind of scientific terms, but what that really means is that a really robust EMP laydown, which, as Vladimir Lukin in that hotel room in Vienna, Austria said, would shut down our power grid and communications for 6 months or so. And if one weapon would not do it, as Alexander Shaponov said, four absolutely would do it, particularly with the power of the weapons that the Russian generals say that they have developed.

What this would do is to produce a society in which the only person you could talk to was the person next to you, unless you happened to be a ham operator with a vacuum tube set, which, by the way, is 1 million times less susceptible to EMP than your present equipment that the hams use. And the only way you could get anywhere was to walk, because, you see, if the pulse is intense enough, it turns off all the computers in your car. There will be no electricity, so even if the car ran, you could not get gas.

By the way, if you have a car that still has a coil and distributor, you are probably okay, because those are pretty robust structures compared to today's cars with so much microelectronics in them.

It would disrupt our military forces and our ability to project military power. For the last decade, Mr. Speaker, we have been waiving hardening on essentially all of our military platforms because it costs maybe as little as 1 percent, maybe like 5 percent more to harden. It can be done. That is the good news story. If you do not harden, you can get 5 percent more weapons systems. And since we have had so little money during those years, the Pentagon opted to run this risk. With terrorists about, I think that is probably a risk we do not want to continue to run.

The number of U.S. adversaries capable of EMP attack is greater than during the Cold War. We may look back with some fondness on the Cold War. We then had only one potential adversary. We knew him quite well.

□ 1700

Now we have who knows how many potential adversaries, and they come from very different cultures than we, and we have a great deal of difficulty in understanding them and communicating with them.

Potential adversaries are aware of the EMP's strategic attack option. I started, Mr. Speaker, with talking about the fact that I was not letting the genie out of the bottle. Ninety-nine percent of Americans may not know very much about EMP, but I will assure you, Mr. Speaker, that 100 percent of our potential enemies know all about EMP. I think that the American people need to know about EMP because they need to demand that their government do the prudent thing so that we will be less and less susceptible, less and less at risk to an EMP attack year by year. The threat is not adequately addressed in U.S. national

and homeland security programs. Not only is it not adequately addressed; it is usually ignored, not even mentioned, and it certainly needs to be considered.

I might note that Senator John Kyl, with whom I served in the House on the Committee on Armed Services, wrote just a couple of weeks ago a very nice editorial in the Washington Post, and we will have his quote a little later, on EMP effects and how we need to be about preparing ourselves for that.

Terrorists could steal, purchase, or be provided a nuclear weapon and perform an EMP attack against the United States simply by launching a primitive Scud missile off a freighter near our shores. We do not need to be thinking about missiles coming over the Pole. There are thousands of ships out there, particularly in the North Atlantic shipping lanes, and any one of them could have a Scud missile on board. If you put a canvas over it, we cannot see through the thinnest canvas. We would not know whether it was bailed hay or bananas or a Scud launcher. You cannot see through any cover on ship. The Commission on the Emerging Ballistic Missile Threat chaired by Secretary Rumsfeld before he was Secretary, and Dr. Bill Graham, the chairman of this commission was his vice-chair, found that ships had been modified so that they had missile-launching tubes in ordinary freighters. You can read that in their report.

Scud missiles can be purchased on the world market today for less than $100,000. Al Qaeda is estimated to own about 80 freighters, so all they need, Mr. Speaker, is $100,000, which I am sure they can get, for the missile and a crude nuclear weapon.

Certain types of low-yield nuclear weapons can generate potentially catastrophic EMP effects. These certain types of weapons are weapons that have been designed for enhanced EMP effects. They may have little explosive effect, but very high EMP effects over wide geographic areas, and designs for various such weapons may have been illicitly trafficked for a quarter of a century. We are certain that the Chinese have them. Of course the Russians have them; they developed probably better or at least as good designs as we developed. We designed them, by the way, but never built them. The Russians we understand have both designed and built them, and we now believe those designs to be pretty widespread out around the world.

The next chart shows the comments from the Russian generals, and to protect the Russian generals we have redacted their names. But the commission met with Russian generals, and they claim that Russia has designed a super-EMP nuclear weapon capable of generating 200 kilovolts per meter. And the Russian generals told our commission people that they believe that to be several times higher than the level two, which we had hardened our weapons systems; even those that are hardened and, as I mentioned, Mr. Speaker, most of our weapons systems now procured are not hardened.

Russian, Chinese, and Pakistani scientists are working in North Korea and could enable that country to develop an EMP weapon in the near future. Now, this is not what the commission said; this is what the commission reported the Russian generals to have said.

The next chart shows additional comments from the EMP Commission report. States or terrorists may well calculate that using a nuclear weapon for EMP attack offers the greatest utility. Mr. Speaker, there is no way that a country could use a nuclear weapon against the United States that would be as devastating as using it to produce an EMP lay-down. I had not noted, but I should note, Mr. Speaker, that there is no effect on you or me from this weapon. We are quite immune to that. We will not be damaged by that. Buildings will not be damaged by that. It will affect only electric and electronic equipment.

EMP offers a bigger bang for the buck. Now, this is from their report; I am not saying this. EMP offers a bigger bang for the buck against U.S. military forces in a regional conflict or a means of damaging the U.S. homeland. EMP may be less provocative of U.S. massive retaliation compared to a nuclear attack on a U.S. city that inflicts many prompt calories.

Just a couple of words about this. As Vladimir Lukin said, if it were launched from the ocean, we would not know who launched it. So against whom would we retaliate? Even if we knew who launched it, Mr. Speaker, if all they have done is to disable our computers, do we respond in kind, or do you incinerate their grandmothers and their babies? This would be a really tough call. Responding in kind might do very little good. There is no other country in the world that has anything like our sophistication in electronic equipment, and no other country in the world is so dependent as we are on our national infrastructure. So this is a real problem and a big incentive to use this weapon without fear of retaliation, as Vladimir Lukin says, with no fear of retaliation.

EMP could, compared to a nuclear attack on the city, kill many more Americans in the long run from indirect effects of collapsed infrastructures of power, communications, transportation, food, and water. Can you imagine our country, Mr. Speaker, with 285 million people, no electricity, and there will be no electricity, no transportation, no communication? The only way you can go anywhere is to walk, and the only person you can talk to is the person next to you. What would we do? How many of our people might not survive the transition from that situation to where you had established a sort of infrastructure that could support civil society as we know it today.

Strategically and politically, an EMP attack can threaten entire regional or national infrastructures that are vital to U.S. military strength and societal survival, challenge the integrity of allied regional coalitions, and pose an asymmetrical threat more dangerous to the high-tech West than to rogue states. This makes the point that I was making that because we are the most sophisticated, we are the most vulnerable.

Technically and operationally, EMP attacks can compensate for deficiencies in missile accuracy, fusing range, reentry, velocity design, target location, intelligence, and missile defense penetration. We are really superior in all of these areas, and none of our enemies out there, except for Russia and China, and we would not expect an attack like this from either of them, but there is nobody else out there who really can be very good shots with their missiles.

But what the EMP Commission report is pointing out is, they do not need to be. Anywhere over the northeastern United States will shut down all of the northeastern United States, and anywhere near the middle of our country, you can miss it by 100 miles and it really will not matter. Anything near the middle of our country detonated high enough with the right kind of weapon will blanket the whole country with an EMP force that could knock out all of our electronic equipment.

The next chart shows some other comments in the EMP report. One or a few high-altitude nuclear detonations can produce EMP simultaneously over wide geographical areas. As the chart we showed earlier, the whole country can be blanketed with one about 600 kilometers high.

The thing they were really concerned about, because we have a very sophisticated infrastructure with lots of interdependencies, they were really concerned about the cascading failure, unprecedented cascading failure of our electronics-based infrastructures, which could result in power, energy, transport, telecom, and financial systems and are particularly vulnerable and interdependent. And if one of them comes down, if you bring down the power grid, Mr. Speaker, you have brought down all of these other parts of our national infrastructure. EMP disruption of these sectors could cause large-scale infrastructure failures for all aspects of the Nation's life.

Now, these are not my words; these are taken from the EMP Commission report. This commission was set up as a part of public law, and that is noted here on this chart. Both civilian and military capabilities depend on these infrastructures. Without adequate protection, recovery could be prolonged months to years for recovery. And here on the right is a little depiction showing some, and there are more than that, showing some of the interrelationships. For instance, electric power is not shown as important for water or for banking and finance, and

for government services; and of course it is. So if you do not have electric power, for instance, you do not have any of these other things.

There was a number of years ago a scientist by the name of Harrison Scott Brown. I think that he worked at CalTech, and he offered a series of seminars called the ''Next 100 Years.'' This was during the Cold War. And one of the questions that it was appropriate to ask during the Cold War was, What would you do after the nuclear attack? You may remember, Mr. Speaker, your parents talking about the backyard shelters that were built during the 1960s. Sometime after that I went to work for IBM and they were still talking about the fact that IBM had loaned its employees money interest-free to build a backyard shelter. There was a real concern that there could be a bolt out of the blue and that we could have a nuclear attack. We had a big civil defense organization with lots of shelters. They were stocked, and you were given pamphlets and you were told where to go.

I think, Mr. Speaker, that today, with the potential for terrorist attack, we need to turn back a few pages and learn from our experience during the Cold War when we recognized that the more prepared an individual and a family was to be self-sufficient during that attack, the stronger we would be as a whole; and I think that we could profit, at least have a more intense focus on civil defense in our homeland security efforts.

Harrison Scott Brown was concerned about what you would do after you came out of the fallout shelter and how you would reconstitute your society to reestablish the kind of an infrastructure that you had before the attack. His concern was that in the United States, and this was a number of years ago, his concern would be even greater were he alive today, his concern then was that we had developed such a sophisticated, interrelated infrastructure, that if it came down like a house of cards, that it might be very difficult, maybe, he thought, and I will explain in a moment why, maybe impossible to reestablish that infrastructure. Because, he noted, that this infrastructure was built up gradually from very simple to very complex, when there was available to us a rich resource of raw materials, high-quality iron ore. That is all gone. Our best ores now, I think, are ½ of 1 percent taconite ores.

□ 1715

When oil essentially oozed out of the ground, when the water washed the dirt away, you could see coal exposed in some of the hills of Pennsylvania. The oil now is deep and hard to get or offshore or in the Arctic. All the good coal has been burned. Now, to get oil and to get coal, we have to have the infrastructure. You have to have diesel fuel shipped to you. You have to have large excavators.

His concern was that if our infrastructure collapsed as a result of a nuclear attack, today we are talking about an EMP attack, which does not blow up buildings, but it shuts down the infrastructure because it would destroy, disrupt all of the electronic equipment if the pulse was high enough; and a determined, sophisticated enemy could make sure that it was high enough.

So he was concerned that maybe it would not be possible now without that high-quality, readily available resource of raw materials that might be very difficult without massive help from other parts of the world that we could reconstitute our society.

I think, Mr. Speaker, that we need to be looking at that threat to our country today. I am sure it is no less a threat now than it was when Harrison Scott Brown was holding those seminars.

In 2004, the EMP Commission met with very senior Russian officers, and we showed that on the sign. They warned that the knowledge and technology to develop what they called super EMP weapons had been transferred to North Korea and that North Korea could probably develop these weapons in the near future, within a few years.

The Russian officers said that the threat that would be posed to global security by a North Korean armed with super EMP weapons was, in their view, and I am sure, Mr. Speaker, in your view and mine, unacceptable.

You know, why use EMP, as we noted in a previous chart? A terrorist or rogue state might be so inaccurate that they could not even use a nuclear weapon to take out New York City. They might hit the countryside somewhere near. But it would not really matter with that low accuracy if they were doing an EMP laydown. Because anywhere over New England would be quite good enough, and there is no way that they could do as much damage to our country by a ground burst, even if it hit the city, than if they could do a high altitude burst, which produced EMP and took down, if it was intense enough, all of our infrastructure.

EMP has such a wide area of effect that if the weapon is large enough or several are used, covering potentially an entire continent, that even a highly inaccurate missile could not miss its target in an EMP effect. EMP attack involves exoatmospheric detonation, meaning that attack, this is really interesting, Mr. Speaker, this attack would occur before the weapon ever reentered the atmosphere. So even if we were really good at taking out weapons before they hit us, it really would not matter, because this is detonated before it starts to reenter. So any weapon that would take out a missile on its final descent would be useless, because it has already detonated and the damage is done at altitude.

Increased dependence on advanced electronic systems results in the potential for an increased EMP vulnerability. And what this does is to make that attack more attractive to our assailants. The fact that we are ever more sophisticated and therefore ever more vulnerable makes it ever more attractive to our adversaries, because this really becomes the ultimate asymmetric weapon.

EMP threatens the ability of the United States and western nations to project influence and military power, because a third-world country with a crude missile and a crude nuclear weapon could, in effect, hold us hostage. This is why it is so important that we stop the spread of nuclear weapons.

EMP can cause catastrophic damage to the Nation by destroying the electric power infrastructure, causing cascading failures in the infrastructure for everything: telecommunications, energy, transportation, finance, food, and water.

I live on a farm. I cannot even get a drink of water without electricity, because the pump in my well that supplies my water has to have electricity. So we are all really dependent on this infrastructure.

Degradation, and this is really minimized, degradation of the infrastructures could have irreversible effects on the country's ability to support its population, and then millions could die. That is true.

In the final analysis, Mr. Speaker, the EMP Commission report is really a good news story. So far what we have been talking about does not really sound like good news, does it? It sounds like the worst of all news that you could get. But there really is good news here, and the good news is that we do not have to be this vulnerable. It is really not all that expensive to protect our systems against EMP. You just have to do it.

But we have a problem, and that is the cheapest way to do it is when you are making them, if you design it in. Then it may cost as little as 1 percent more. For really sophisticated electronic stuff, probably not more than 10 percent more. But if you are trying to add it after it is built, then it can cost you as much as the device itself, which means that we need to start, you can only do what you can do, and we need to start in our national infrastructure by deciding what is most essential to protect and then expeditiously protecting that as fast as we can.

Every new water system we put in, every new sewage system we put in, every new power line we run, every new distribution system we put in needs to be hardened. It is not all that expensive to do. You just need to do it.

Now we have hardened in the military our command and control. We are pretty sure that we can talk to each other after an EMP laydown. But that does not give me much solace, Mr. Speaker, because that is the equivalent of me having my brain and spinal cord work, but my arms and my hands will not work. I am not sure just having the capability of my brain communicating

with my spinal cord does me much good if my arms and my legs will not respond to those signals.

The EMP Commission has proposed a 5-year plan that, if implemented, would protect the United States from the catastrophic consequences of EMP attack and make recovery possible at surprisingly modest cost.

I would like now to turn to a statement that was made by Dr. John Kyl. I mentioned his name earlier. Last week, the Senate Judiciary Committee Subcommittee on Terrorism, Technology and Homeland Security, which I chair, his words in his op-ed piece, held a hearing on a major threat to the United States not only from terrorists but from rogue nations like North Korea.

An EMP attack is one of only a few ways that America could be essentially defeated by our enemies, terrorists or otherwise. Few if any people would die right away, but the long-term loss of electricity would essentially bring our society to a halt. Few can conceive of the possibility that terrorists could bring American society to its knees by knocking out our power supply from several miles in the atmosphere. But this time we have been warned, and we better be prepared to respond. We really do need to respond.

Here is another statement from Major Franz Gayl.

The impact that EMP is asymmetric in relation to our adversaries, now these are all in the public domain. I want to be very careful, Mr. Speaker, that I do not leave the impression that I am letting the genie out of the bottle. Ninety-nine percent of Americans may not know about EMP, but I will guarantee you 100 percent of our adversaries know about EMP. And we need to know about EMP, because to be forewarned is to be forearmed, and we need to do something about that.

The impact that EMP is asymmetric in relation to our adversaries, the less developed societies in North Korea, Iran and other potential EMP attack perpetrators are less electronically dependent and less specialized, while more capable of continued functionality in the absence of modern conveniences.

I do not know that outside of Pyongyang that many people in North Korea would even know if electricity went out. I am not sure they depend much on electricity.

Conversely, the United States would be subject to widespread paralysis and doubtful recovery following a surprise EMP attack. Therefore, terrorists and their coincidentally allied state sponsors may determine that, given just a few nuclear weapons and delivery vehicles, that subjecting the United States to a potentially non-attributable EMP attack, we would not even know where it came from if it came from the oceans, is more desirable than the destruction of selected cities. Delayed mass lethality is assured over time through the cascade of EMPs' indirect effects that would bring our highly specialized and urbanized society to a disorderly halt.

The vulnerability of the United States to EMP attack serves as the latest revelation that societal protections associated with our national security can no longer be assured by traditional nuclear deterrence and battlefield preparations on their own.

Let me put up now a conclusion chart. The EMP threat is one of a few potentially catastrophic threats to the United States. By taking action, the EMP threat can be reduced to manageable levels, but we should have started yesterday, Mr. Speaker. We just must start today.

U.S. strategy to address the EMP threat should balance prevention, preparation, protection and recovery. We need to be studying all four of these. Critical military capabilities must be survivable and endurable to underwrite U.S. strategy. If they can bring down our military, that really puts us at risk.

The 2006 Defense Authorization Bill contains a provision extending the EMP Commission to ensure that their recommendations will be implemented. We need to have them around to make sure that we are following through on their recommendations. Terrorists are looking for vulnerabilities to attack, and our civilian infrastructure is particularly susceptible to this kind of attack. It needs to be hardened.

When you have a weak underbelly, you are inviting attack there. They are going to attack at the weakest link, and our infrastructure complexity is certainly our weakest link. The Department of Homeland Security needs to identify critical infrastructures. What do we need to protect first?

Then we need to have a plan for what would we do if we had the EMP attack tomorrow, the day after tomorrow, the next year, 5 years from now. How far along would we be in protecting ourselves? But we need to have a plan for what we would do in the event that that happens.

The Department of Homeland Security also needs to develop a plan, I really want to emphasize this, Mr. Speaker, to help citizens deal with such an attack should it occur. Each of us as individuals, each of us as families, each of us as a church group, each of us as a community, needs to have plans for what we would do in the event of an EMP attack. We need to know what we need to do to prepare so that we are not going to be a liability on the system. Our strength as a Nation is going to be greatly increased if each of us as a family, a church group, a community, is prepared so that we will be less susceptible to the loss of these infrastructure supports.

Mr. Speaker, this is really a good news story. We know about this problem. It has not happened yet. We have a great study with great detailed recommendations of what we need to be doing. The good news is that if we do these things we will have reduced our vulnerability and we will have now taken from the enemy an enormous strategic capability that they now have because we are such a sophisticated society, depend so much on our infrastructure, and if they can bring down an infrastructure they can bring us down.

We have a mighty Army. It will not be much good if the folks back home do not have anything to eat.

Mr. Speaker, to be forewarned is to be forearmed. I am sure Americans will respond to this challenge. And challenges are really exhilarating. You feel really good at night if you have met a challenge and you have had some successes in meeting that challenge.

Mr. Speaker, I think we have a bright future ahead, and it is going to be even brighter if we respond appropriately to the warnings that are here.

PROBLEMS WITH CAFTA

The SPEAKER pro tempore (Mr. MACK). Under the Speaker's announced policy of January 4, 2005, the gentleman from Michigan (Mr. LEVIN) is recognized for 60 minutes as the designee of the minority leader.

Mr. LEVIN. The Dominican Republic-Central America Free Trade Agreement presents an important crossroads for trade policy. It involves issues broader than those, for example, relating to sugar or textiles; and indeed, as President Bush said recently, it involves issues beyond trade, including ramifications for the future path of democracy.

□ 1730

It is an important test for globalization. What has been unfolding in Latin America, including Central America, is that substantial portions of the citizenry are not benefiting from globalization. They have increasingly responded with votes at the ballot box or in the street. Doing so they have raised sharply an underlying issue and that is whether the terms of expanded trade need to be shaped to spread the benefits or simply to assume the trade expansion by itself will adequately work that out.

It is for these reasons, not more narrow interests, why the issue of core labor standards in CAFTA is important for Central America and for the United States of America. The way it is handled in CAFTA undermines the chance that the benefits of expanded trade will be broadly shared. The goal of globalization must be to expand markets and raise living standards, not promote a race to the bottom.

An essential part of this leveling up is the ability of workers in developing nations to have the freedom to join together, to have a real voice at work, so they can move up the economic ladder. This is not true in Central America where recent State Department and International Labor Organization reports confirm that the basic legal

framework is not in place to protect the rights of workers and enforcement of these defective laws is woefully inadequate. Regretfully, CAFTA as negotiated preserves the status quo or worse, because it says to these countries ''enforce your own laws'' when it comes to internationally recognized labor standards.

The Latin American region possesses the worst income inequality in the world. And four of the Central American nations rank among the top 10 in Latin America with the most serious imbalances. Poverty is rampant in these countries. The middle class is dramatically weak, as has been true in the persons of other nations including our own. This will not change unless workers can climb up the ladder and help develop a vibrant middle class.

A huge percentage of workers in this region are not actively benefiting from globalization because the current laws in these nations do not adequately allow them to participate fully in the workplace. The suppression of workers in the workplace also inhibits the steps necessary to promote democracy in society at large. The core labor and environmental provision in CAFTA that each country must merely enforce its own law is a double standard. This standard is not used anywhere else in CAFTA, whether as to intellectual property, tariff levels, or subsidies.

''Enforce your own laws'' is a ticket to a race to the bottom. Such an approach is harmful all around for the inability of workers to earn enough, for we in the middle class so badly lacking in and needed by Central American countries, for American workers who resist competition based on suppression of workers in other countries and for our companies and our workers who need middle classes in other countries to purchase the goods and services that we produce.

CAFTA is a step backwards also from present trade agreements. The Caribbean Basin Initiative Standard states in determining whether to designate any country a benefit country under CPI, the President shall take into account ''whether or not such country has taken or is taking steps to afford workers in that country, including any designated zone in that country, internationally recognized rights.''

The GSP, Generalized System of Preference, standard is this: the President shall designate a country, a GSP beneficiary country if ''such country has not taken or is not taking steps to afford internationally recognized worker rights to workers in that country including any designated zone in that country.''

So CAFTA is a step backward from these standards. The provisions in CAFTA on worker rights as currently negotiated are substantially weaker than current U.S. law and would replace that current law. I will give you an example. In Guatemala over 900 Del Monte banana workers were fired in 1990 for protesting labor conditions. A GSP petition led USTR for the first time ever to self-initiate a worker rights review for Guatemala in October 2000. Guatemala subsequently passed labor reforms in April 2001 which included granting farm workers new rights to strike.

In preparation for CAFTA, however, Guatemala's constitutional courts struck down key parts of the 2001 labor reforms. In August of 2004, the court rescinded the authority of the ministry of labor of that country to impose fines for labor rights violation, a key element of the 2001 agreement. Under CAFTA, the U.S. would have no recourse to challenge that development.

Now, let me go on, if I might, to a next point and that relates to the examples of Morocco and Chile and Singapore because those agreements are often used as examples as to why we should vote for CAFTA. I supported the agreements with Chile, with Morocco, and with Singapore. The situations in each of those countries was very different from Central American countries.

Chile has the international labor standards incorporated in their laws and they enforce them. There is a vibrant labor movement and an active middle class. The same is essentially true in Singapore, anti-labor movements, workers have their right to associate if they want to organize, to form unions; and they have a tradition of a labor movement in Singapore.

Morocco, the question is asked, well, I voted for Morocco, why not CAFTA? And the answer is there are vast differences between the situations. Morocco took steps in the last years before the free trade agreement with them to truly, truly reorganize their labor laws. Also, Morocco has a tradition of a vibrant labor movement in the private sector as well as the public sector. So Central America is very different.

We voted, many of us on the Democratic side, for Morocco, Chile and Singapore; we believe in expanded trade as long as the terms of those of that trade agreement and of those trade agreements are shaped to spread the benefits across the population.

Let me say a word about Central American countries and the deficiencies in their laws, because much has been said of this and much was said today by our new USTR, a former colleague, Rob Portman. Look, USTR has tried to gloss over what the ILO says. They have tried to gloss over what is in the State Department reports themselves. But any objective look confirms that those reports say that the laws of those countries in terms of the basic international standards are defective. And this was spelled out in a letter that was sent by us on April 4 by the gentleman from New York (Mr. RANGEL), the gentleman from Maryland (Mr. CARDIN), the gentleman from California (Mr. BECERRA), and myself to the acting trade representative, Peter Allgeier.

Mr. Speaker, this letter will be placed in the RECORD at the end of my remarks.

What the reports show is exemplified in a fairly recent case, and I will refer to it briefly. It relates to port workers in El Salvador. In that case they tried to organize, they tried to be representative, they tried to bring about democratic rights within the workplace. Thirty-four of the workers were fired last December when they were trying to form a union. And not only did the law not require their reinstatement, but only severance pay, which is a cheap bargain for an employer who wants to violate rights.

But a month later, the labor ministry denied the labor union's registration petition since now there were only seven workers left. Others had been fired. El Salvador law requires at least 35 members to form a labor organization, a provision that itself has been criticized by the International Labor Organization.

I just ask everybody to read the letter that we sent to Mr. Allgeier and the attached analysis of laws from the ILO reports and State Department reports. President Bush has correctly talked about freedom and democracy. He has said that everywhere. But what this CAFTA does is to sanction the status quo where there is no democracy in the workplace.

President Bush last month urged a vote for CAFTA because it would bring ''stability and security'' to the region.

I think the opposite is true. If workers are suppressed, it is a step towards insecurity and towards instability. Labor market freedom is a source of security, undercutting insecurity. What is a threat, what is a real threat to undemocratic forces, those who do not believe in them, is democracy in the workplace.

The President likes to quote the writings of Natan Sharansky, who has been minister in Israel until recently. Natan Sharansky says that a test of democracy is whether somebody can arise in the town square and speak his or her mind without punishment. If you use that test to the workplace, most places in Central America, the answer is there is no democracy. If somebody raises their voice too often, they are fired.

Now, let me just say a word about another argument that is used and that is, well, the problem is enforcement and the United States is going to help the nations of Central America with their enforcement. We are going to provide monies so that there is a stronger department of labor, et cetera, et cetera.

Well, today, Rob Portman, our ambassador, outlined a number of proposals for more funding to help CAFTA countries in technical assistance to strengthen enforcement of labor laws. He said the problem is not labor laws; it is enforcement. The correct analysis is there is a deep problem in their laws and a severe problem with the enforcement of flawed laws. But when you

look at what was urged today by Mr. Portman, and I do not question his good faith about it, but I do question the credibility of it because it is the record, not the rhetoric, that really matters. And the record of this administration in providing technical assistance for the strengthening of labor unions in other countries is miserable.

This year, I just give a few examples, this year President Bush proposed crippling cuts to the budget for the International Labor Affairs Bureau known as ILAB. He proposed cutting funding by 87 percent from $94 million to $12 million.

□ 1745

According to the President, the 2006 budget, he quotes, ''returns the agency to its original mission of research, analysis and advocacy.'' Well, what that means is there is not any emphasis on technical assistance.

Also, the President's five budget requests in previous years proposed funding cuts for ILAB of more than 50 percent.

So I do not believe that the answer is simply more money going to agencies in other countries. I think the laws have to be in order. The regulations must not strangle efforts of people to assert their freedom in the labor market, but I do think better enforcement would be useful of good laws. The record of the administration in terms of technical assistance is terribly weak, in fact.

Now, let me discuss another issue that has come up when we discuss CAFTA. Increasingly, this administration has used our trade challenges from China as a reason to vote for CAFTA. This is happening more and more. It is not credible. It is at best boot strap. Look, we have to shape trade policy so that there can be effective competition with China, that is for sure. That relates to currency, and we just a short time ago had, I think, a rather ineffective meeting with the administration on the currency issue.

It also includes trade in apparel and textiles. We have seen a major influx of apparel from China with the end of the quotas. In order to have an effective trade policy, vis-a-vis, China, in the apparel and textile areas, we have to do the following.

Number one, we have to actively use remedies that were written into the agreement with China in its accession to the WTO. We worked hard to get those provisions into the WTO China accession agreement, and the administration has hesitated to use them effectively. They did not effectively anticipate this problem, and when the problem really sprouted, their response initially was very weak.

Second point regarding this: We do need to have and take steps to bring about a strong Caribbean apparel and textile structure, Caribbean including the United States. To do that, one of the steps that is necessary is to have compliance with international core labor standards. That would be a source of strength, not of weakness. It would be trying to compete and compete effectively, rather than trying to compete with China as to who can most suppress worker rights.

In that regard, I do think we ought to look at what is sometimes pointed to, and that is, the Clinton legacy because I have read some articles that have said that those of us who have raised this set of issues about globalization, who have raised this set of issues about shaping trade policy and have applied it to this critical step, vis-a-vis, CAFTA, that those of us who are doing that are taking a step backwards from where the Clinton administration was. The contrary is true. The contrary is really what this is all about.

For example, Jordan. Today, Ambassador Portman, and I am glad to call him ambassador now, he was a colleague, said that the Jordan agreement is not as strong as CAFTA when it comes to core labor standards. That simply is an incorrect analysis of Jordan. Jordan has a clear reference to the core standards: child labor, forced labor, anti-discrimination and the right of workers to associate and to bargain collectively. It has references to those five core labor standards in the Jordan agreement, number one.

Number two, Jordan has a provision to make sure that Jordan cannot slip backwards, cannot move away from that standard. That is not true in CAFTA. Enforce your own laws, it can be present laws or revised laws that are even worse.

Thirdly, as to enforcement, it is not at all correct to say that the provisions in CAFTA, that those provisions are nearly as strong as was negotiated with Jordan. Essentially the Jordan FTA, the U.S.-Jordan FTA said that each country could take the necessary steps to enforce the obligations of the other, and it is true the Bush administration later entered a letter, a side letter, that put some brakes on the ability of the Bush administration to implement the Jordan agreement, but that is not what was negotiated.

What President Clinton did increasingly in his later years was to say to the world, I favor expanded trade, I believe in it, it has to be done in ways that shape so that there is a leveling up and not down. That is language that he used in his speeches. He referred to them at the University of Chicago speech, and that was the flavor of his speech at Davos. I was there when he gave the speech. He spent half of his time talking about the benefits of expanded trade. He also spent the second half saying if those benefits were going to be real and move globalization ahead, there needed to be, he said, a leveling up and not a leveling down.

When people say we cannot impose standards on other countries, and that was said I think it was yesterday or maybe earlier today by the chairman of our committee, I do not understand that. Trade agreements, like any other contract, involve imposition. We are going to have to change laws as a result of trade agreements. That was true under the Uruguay Round agreements. It is true of tariffs. We are going to have to change our laws regarding tariffs.

Now we are not talking about imposing American standards in CAFTA. What we are talking about is placing internationally recognized standards in the declaration of the ILO that every country involved here, Dominican Republic, Central American, U.S., has endorsed putting them into the agreement, in the body of the agreement enforceably with reasonable transition. That is important.

So let it be clear, the opposition to CAFTA, as negotiated, is not being led by those the administration likes to dismiss as in ''protectionists'' or ''isolationists.'' Those shoes do not fit. The opposition leadership involves those of us who have favored expanded trade and have helped to shape and pass trade agreements in the last decade.

For us, CAFTA is an important line in the sand, affecting the future effectiveness of globalization. If the U.S. does not seize the opportunity to shape the rule of trade and competition in CAFTA, it will have chosen simply to be on the receiving end of the consequences, both positive and negative of globalization.

I favor a CAFTA but not this agreement as it stands, and we can quickly fix this agreement by renegotiating CAFTA to include internationally recognized labor standards, with enforcement in a reasonable transition. In doing so, we would advance the interests of U.S. businesses and workers and expand the benefits of globalization beyond the status quo and any privileged minority in any of these countries.

We would take also an important step, and I want to emphasize this, an important step towards reestablishing a bipartisan foundation for trade. That bipartisan foundation has been eroded under this administration, and it is that bipartisan foundation that needs to be reestablished because it is so critical for tackling tough trade issues ahead, for example, in the Doha Round. We cannot tackle these tough issues of agriculture, various parts of agriculture, or of services, including financial services, we cannot tackle them, nontariff barriers, unless there is a solid, nonpartisan, bipartisan foundation. We cannot do it by trying to squeeze out a one vote majority.

Security, economic and political, is best achieved in the region of Central America. By closing the dangerous gap between rich and poor, by development of a real middle class and a larger middle class and by expansion of freedom operating in the workplace and spreading throughout the society, it did, by the way, not only in our country in Poland and so many other places.

I want to close by emphasizing what is at stake, that this security, economic and political, is in the self-interest of our country, of our businesses

and of our workers. We need to address this issue of core labor standards, not only for the benefit of the workers in the other countries, of the development of a so badly needed middle class in those countries, but also because our workers increasingly refuse to compete with countries where the workers are suppressed. That is eroding the support for international trade in this country, and we need to reaffirm its importance by reaffirming some basic principles. That is going to be good, as I said, for our country, for our businesses, and for our workers.

I am not sure of the timetable for CAFTA. What I am sure is as of today, it would not pass. There may be an effort to try to make it pass by all kinds of deals, which those of us who favor expanded trade would never agree to. It may be endeavored to pass through some kinds of deals unrelated to trade, offering this and that, unrelated again to trade. That would be a terrible mistake.

We have an opportunity here to reconfigure CAFTA in a way that would bring about strong bipartisan support and be a foundation for the development of stable relationships within Central America and the Dominican Republic and between them and ourselves.

Also, as I said, we would be able to reestablish the bipartisan foundation that once prevailed for international trade in this institution. Without it, CAFTA, in my judgment, should not and cannot pass, and there is likely trouble in tackling the other issues that need to be addressed boldly, honestly and effectively.

The material I referred to previously I will insert into the RECORD at this point.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, April 4, 2005.

Hon. PETER ALLGEIER,
Acting U.S. Trade Representative,
Washington, DC.

DEAR AMBASSADOR ALLGEIER: In recent weeks, advocates for the Central American Free Trade Agreement (CAFTA) have made assertions that the CAFTA countries' laws comply with basic, internationally-recognized rules that ensure common decency and fairness to working people. These advocates argue that the only outstanding issue concerning the rights of workers in the CAFTA countries is a lack of adequate enforcement of existing labor laws.

Unfortunately, CAFTA advocates' rhetoric is not supported by the facts. There are still no fewer than 20 areas in which the CAFTA countries' labor laws fail to comply with even the most basic international norms, as documented by the International Labor Organization (ILO), the U.S. Department of State and multiple non-governmental organizations.

More than a year ago, in November 2003, a number of us wrote to you outlining these problems in detail. We had hoped that doing so might lead to actions to remedy those problems, or at least to a constructive dialogue about them. However, the Members who signed that letter have yet to receive any response to the list of problems documented in that letter—either from your office or from the countries concerned. In fact, the labor laws in at least one of the CAFTA countries have been weakened in recent months.

In light of the fact that Congress may soon be considering the CAFTA, it is important to move beyond rhetoric to the facts. We urge you to provide documented information concerning any amendments CAFTA countries have made to their laws to address the shortcomings noted in the attached list. Those shortcomings cannot be overcome with better enforcement efforts. Even the best enforcement of inadequate laws—whether relating to intellectual property, services regulation or technical standards for manufactured products—cannot yield acceptable results.

We support the right CAFTA for the Central American countries and the Dominican Republic, just as we have strongly supported the Caribbean Basin Initiative (CBI) programs. These programs have done much to strengthen economic ties with our friends and neighbors in Central America and the Caribbean in ways that benefit both the United States and the region.

However, the CBI programs were built on the dual pillars of expanded economic opportunity and a strong framework for trade. In particular, the programs were expressly conditioned on the countries making progress in achieving basic labor standards. By contrast, the CAFTA moves backward by not including even these minimum standards, and using instead a standard for each country of ''enforce your own laws.'' Ensuring that the CAFTA countries both adopt and effectively maintain in their laws the most basic standards of decency and fairness to working people is important to their workers, their societies, and to U.S. workers. It also is critical to ensuring strong and sustainable economic growth and promoting increased standards of living.

We welcome and support all efforts to improve the capacity of Central American countries to improve the enforcement of their labor laws. In fact, for the last four years, we have fought for better funding of such programs and against massive Administration budget cuts for labor technical assistance programs—many of these programs eroded-out or slashed by up to 90 percent in budgets submitted by the Administration. The Administration's track record gives us little confidence that the one-time grant of $20 million included in the FY05 Foreign Operations Appropriations Act for labor and environmental technical assistance in the CAFTA countries represents the kind of real and sustained commitment needed in these areas. Moreover, such efforts on enforcement are no substitute for getting it right on basic laws.

Sincerely,

BENJAMIN L. CARDIN,
Ranking Member, Subcommittee on Trade.
XAVIER BECERRA,
Member.
CHARLES B. RANGEL,
Ranking Member.
SANDER M. LEVIN,
Ranking Member, Subcommittee on Social Security.

U.S. STATE DEPARTMENT AND INTERNATIONAL LABOR ORGANIZATION REPORTS CONFIRM DEFICIENCIES IN CAFTA LABOR LAWS

The 2004 U.S. State Department Country Reports on Human Rights Practices, the October 2003 ILO Fundamental Principles and Rights at Work: A Labor Law Study (''the Report''), and other ILO reports released in recent years confirm the existence of at least 20 areas in which the labor laws in the CAFTA countries fail to comply with two of the most basic international norms of common decency and fairness to working people—the rights of association (ILO Convention 87) and to organize and bargain collectively (ILO Convention 98).

Each of these deficiencies, discussed in detail below, was identified in a letter sent in November 2003, from Reps. Rangel, Levin and Becerra to then U.S. Trade Representative Zoellick. Neither USTR nor the governments of the Central American countries have provided information responding to these inconsistencies.

COSTA RICA

Use of Solidarity Associations to Bypass Unions. Costa Rican law allows employers to establish ''solidarity associations'' and to bargain directly with such associations, even where a union has been established. The failure to explicitly prohibit employers from bypassing unions in favor of employer-based groups violates ILO Convention 98.

This deficiency was confirmed in the October 2003 ILO Report: ''[T]he report of the technical assistance mission . . . drew attention to the great imbalance in the private sector between the number of collective agreements and the number of direct pacts . . . the CEACR recalled that direct negotiation between employers and workers' representatives was envisaged 'only in the absence of trade union organizations.' ''

(2) Onerous Strike Requirements. Costa Rican law includes a number of onerous procedural requirements for a strike to be called. These requirements contravene ILO guidelines for regulation of strikes, and taken as a whole, make it nearly impossible for a strike to be called. For example, Costa Rica requires that 60% of all workers in a facility vote in favor of a strike in order for it to be legal. These requirements violate ILO Convention 87.

This deficiency was confirmed in the October 2003 ILO Report: ''The general requirements set out by the legislator [sic] for a strike to be legal . . . include the requirement that at least 60 per cent of the workers in the enterprise support strike action. The CEACR has stated that if a member State deems it appropriate to establish in its legislation provisions for the requirement of a vote by workers before a strike can be held, 'it should ensure that account is taken only of the votes cast, and that the required quorum and majority are fixed at a reasonable level.' ''

(3) Inadequate Protection Against Anti-Union Discrimination. Costa Rica's laws do not provide for swift action against anti-union discrimination. For example, there is no accelerated judicial review for dismissal of union leaders.

This deficiency was confirmed in the October 2003 ILO Report: ''[A]s the CEACR has indicated, legislation needs to be amended 'to expedite judicial proceedings concerning anti-union discrimination and to ensure that the decisions thereby are implemented by effective means.' ''

EL SALVADOR

(1) Inadequate Protection Against Anti-Union Discrimination. El Salvador fails to provide adequate protection against anti-union discrimination. In particular, El Salvador fails to provide for reinstatement of workers fired because of anti-union discrimination, which violates ILO Convention 98. There also are widespread reports of blacklisting in export processing zones of workers who join unions. Salvadoran law does not prohibit blacklisting, as it bars only anti-union discrimination against employees, not job applicants.

The 2004 U.S. State Department Report on Human Rights Practices confirms this deficiency: ''The Labor Code does not require

that employers reinstate illegally dismissed workers. . . . Workers and the ILO reported instances of employers using illegal pressure to discourage organizing, including the dismissal of labor activists and the circulation of lists of workers who would not be hired because they had belonged to Unions.''

(2) Restrictive Requirements for Formation of Industrial Unions. El Salvador has repeatedly been cited by the U.S. State Department and the ILO for using union registration requirements to impede the formation of unions. These formalities violate ILO Convention 87.

The 2004 U.S. State Department Report on Human Rights Practices confirms this deficiency: ''[I]n some cases supported by the ILO Committee on Freedom of Association . . . the Government impeded workers from exercising their right of association. . . . [T]he government and judges continued to use excessive formalities as a justification to deny applications for legal standing to unions and federations.''

A 1999 Report by the ILO Committee on Freedom of Association confirms this deficiency: The Committee observes that ''legislation imposes a series of excessive formalities for the recognition of a trade union and the acquisition of legal personality that are contrary to the principle of the free establishment of trade union organizations . . .''

GUATEMALA

(1) Inadequate Protection Against Anti-Union Discrimination. Guatemala's laws do not adequately deter anti-union discrimination. The failure to provide adequate protection from anti-union discrimination violates Convention 98.

This deficiency was confirmed in the 2004 U.S. State Department Report on Human Rights Practices: ''An ineffective legal system and inadequate penalties for violations hindered enforcement of the right to form unions and participate in trade union activities. . . .''

This deficiency was confirmed in the October 2003 ILO Report: ''[T]he CEACR hopes that . . . 'measures will soon be adopted to ensure rapid and effective compliance with judicial decisions ordering the reinstatement in their jobs of workers dismissed for trade union activities and that effective penalties will be established for failure to comply with such decisions.' ''

Note: In August 2004, the Constitutional Court of Guatemala issued a ruling rescinding the authority of the Ministry of Labor to impose fines for labor rights violations. Following this decision, it is not clear whether Guatemala's law permits any fines to be assessed for labor violations.

(2) Restrictive Requirements for Formation of Industrial Unions. Guatemala requires a majority of workers in an industry to vote in support of the formation of an industry-wide union for the union to be recognized. This requirement violates Convention 87.

This deficiency was confirmed in the 2004 U.S. State Department Report on Human Rights Practices: The high, industry-wide threshold creates ''a nearly insurmountable barrier to the formation of new industry-wide unions.''

(3) Onerous Requirements to Strike. Guatemalan law includes a number of provisions that interfere with the right to strike. The Guatemalan Labor Code mandates that unions obtain permission from a labor court to strike, even where workers have voted in favor of striking, In addition, the Labor Code requires a majority of a firm's workers to vote in favor of the strike. These laws violate Convention 87.

This deficiency was confirmed in the 2004 U.S. State Department Report on Human Rights Practices: Noting that ''procedural hurdles'' helped to make legal strikes rare, the Report states, ''The Labor Code requires approval by simple majority of a firm's workers to call a legal strike. The Labor Code requires that a labor court consider whether workers are conducting themselves peacefully and have exhausted available mediation before ruling on the legality of a strike.''

This deficiency was confirmed in the October 2003 ILO Report: ''[O]ne of the general requirements laid down in the legislation . . . is still under criticism by the CEACR: 'only the votes cast should be counted in calculating the majority and . . . the quorum should be set at a reasonable level.' ''

(4) Ambiguity in Certain Criminal Penalties. Guatemala's Penal Code provides for criminal penalties against anyone who disrupts the operation of enterprises that contribute to the economic development of the country. Whether and how these penalties apply to workers engaged in a lawful strike is unclear, and this ambiguity has deterred workers from exercising their right to strike. The CEACR has stated that application of these penalties to a worker who engaged in a lawful strike would violate ILO Conventions 87 and 98.

This deficiency was confirmed in the October 2003 ILO Report: ''The CEACR has drawn the attention of the Government to the fact that certain provisions of the Penal Code are not compatible with ILO Conventions . . . noting that . . . sentences of imprisonment can be imposed as a punishment . . . for participation in a strike.''

(5) Restrictions on Union Leadership. Guatemala maintains a number of restrictions with respect to union leadership including: (1) restricting leadership positions to Guatemalan nationals; and (2) requiring that union leaders be currently employed in the occupation represented by the union. These restrictions violate Convention 87.

This deficiency was confirmed in the October 2003 ILO Report: ''Both the Constitution and the Labour Code prohibit foreign nationals from holding office in a trade union. . . . The Labour Code requires officials to be workers in the enterprise. . . . These restrictions have given rise to observations by the CEACR.''

HONDURAS

(1) Burdensome Requirements for Union Recognition. Honduran law requires more than 30 workers to form a trade union. This numerical requirement acts as a bar to the establishment of unions in small firms, and violates ILO Convention 87.

This deficiency was confirmed in the 2004 U.S. State Department Report on Human Rights Practices: ''The [ILO] has noted that various provisions in the labor law restrict freedom of association, including . . . the requirement of more than 30 workers to constitute a trade union. . . .''

This deficiency was confirmed in the October 2003 ILO Report: ''[T]he requirement to have more than 30 workers to constitute a trade union . . . has prompted the CEACR to comment that this number is 'not conducive to the formation of trade unions in small, and medium size enterprises.' ''

(2) Limitations on the Number of Unions. Honduran law prohibits the formation of more than one trade union in a single enterprise. This restriction violates ILO Convention 87 on the right of workers to join or establish organizations of their own choosing, and fosters the creation of monopoly unions.

This deficiency was confirmed in the 2004 U.S. State Department Report on Human Rights Practices: ''The [ILO] has noted that various provisions in the labor law restrict freedom of association, including the prohibition of more than 1 trade union in a single enterprise. . . .''

This deficiency was confirmed in the October 2003 ILO Report: ''Such a provision, in the view of the CEACR, is contrary to Article 2 of Convention No. 87, since the law should not institutionalize a de facto monopoly. . . .''

(3) Restrictions on Union Leadership. Honduras requires that union leaders be Honduran nationals, and be employed in the occupation that the union represents. These restrictions violate ILO Convention 87.

This deficiency was confirmed in the 2004 U.S. State Department Report on Human Rights Practices: ''The [ILO) has noted that various provisions in the labor law restrict freedom of association, including . . . the prohibition on foreign nationals holding union office, the requirement that union officials must be employed in the economic activity of the business the union represents. . . .''

This deficiency was confirmed in the October 2003 ILO Report: ''The Labour Code prohibits foreign nationals from holding trade union offices and requires officials to be engaged in the activity, profession or trade characteristic of the trade union. . . . The CEACR has objected to these provisions, which it deems incompatible with Article 3 of Convention No. 87. . . .''

(4) Inadequate Protection Against Anti-Union Discrimination. The ILO CEACR has faulted Honduras for a number of years for not providing adequate sanctions for anti-union discrimination. For example, under the law, only a very small fine equivalent to approximately US$12–$600 can be assessed against employers for interfering with the right of association. This Honduran law violates ILO Convention 98.

This deficiency was confirmed by a 2004 Report of the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR): ''The penalties envisaged . . . against persons impairing the right to freedom of association (from 200 to 2,000 lempiras, with 200 lempiras being equivalent to around $12) had been deemed inadequate by one worker's confederation. . . . The Committee once again hopes that [legislation will be prepared] providing for sufficiently effective and dissuasive sanctions against all acts of anti-union discrimination.''

(5) Few Protections Against Employer Interference in Union Activities. Honduras prohibits employers or employees with ties to management from joining a union; it does not, however, prohibit employers from interfering in union activities through financial or other means. The failure to preclude employer involvement violates ILO Convention 98 on the right to organize and bargain collectively.

This deficiency was confirmed in a 2004 Report of the ILO CEACR: ''[T]he Convention provides for broader protection for workers' . . . organizations against any acts of interference . . . in particular, acts which are designed to promote the establishment of workers' organizations under the domination of employers or employers' organizations, or to support workers' organizations by financial or other means, with the object of placing such organizations under the control of employers or employers' organizations. In this respect, the Committee once again hopes that [labor law reform will include provisions] designed to . . . afford full and adequate protection against any acts of interference, as well as sufficiently effective and dissuasive sanctions against such acts.''

(6) Restrictions on Federations. Honduras prohibits federations from calling strikes. The CEACR has criticized this prohibition, which contravenes the right to organize.

This deficiency was confirmed in the October 2003 ILO Report: ''Federations and confederations do not have a recognized right to strike . . . which has prompted the CEACR to recall that such provisions are contrary to Articles 3, 5 and 6 of Convention No. 87 . . .''

(7) Onerous Strike Requirements. Honduras requires that two-thirds of union members must support a strike for it to be legal. This requirement violates ILO Convention 87.

This deficiency was confirmed in the October 2003 ILO Report: ''[T]he CEACR has recalled that restrictions on the right to strike should not be such as to make it impossible to call a strike in practice, and that a simple majority of voters calculated on the basis of the workers present at the assembly should be sufficient to be able to call a strike.''

NICARAGUA

(1) Inadequate Protection Against Anti-Union Discrimination. Nicaragua's laws permit employers to fire employees who are attempting to organize a union as long as they provide double the normal severance pay. This allowance violates ILO Convention 98.

This deficiency was confirmed in the October 2003 ILO Report: The Annex to the Report states that the Labor Code provides that ''if the employer does not carry out reinstatement, he/she shall pay double the compensation according to the length of service.''

(2) Use of Solidarity Associations to Bypass Unions. Nicaragua allows employers to create ''solidarity associations'' but does not specify how those associations relate to unions. The failure to include protections against employers using solidarity associations to interfere with union activities violates ILO Convention 98.

This deficiency was confirmed in the 2004 U.S. State Department Report on Human Rights Practices: ''The Labor Code recognizes cooperatives into which many transportation and agricultural workers are organized. Representatives of most organized labor groups criticized these cooperatives and assert that they do not permit strikes, have inadequate grievance procedures, are meant to displace genuine, independent trade unions and are dominated by employers.''

(3) Procedural Impediments to Calling a Strike. Nicaragua maintains a number of restrictive procedural requirements for calling strikes. (According to the 2002 U.S. State Department Human Rights Report, the Nicaraguan Labor Ministry asserts that it would take approximately 6 months for a union to go through the entire process to be permitted to have a legal strike.) Since all legal protections may be withdrawn in the case of an illegal strike, the practical outcome is that workers who strike often lose their jobs, thus undermining the right to strike protected by Convention 87.

This deficiency was confirmed in the 2004 U.S. State Department Report on Human Rights Practices: ''Observers contend that the [process for calling a strike] is inappropriately lengthy and so complex that there have been few legal strikes since the 1996 Labor Code came into effect . . .''

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HOBSON (at the request of Mr. DELAY) for today on account of traveling with the President in Ohio.

Mr. LAHOOD (at the request of Mr. DELAY) for today on account of attending a funeral in Chicago.

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. UDALL of New Mexico) to revise and extend their remarks and include extraneous material:)

Mr. GEORGE MILLER of California, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. BORDALLO, for 5 minutes, today.

Mr. UDALL of New Mexico, for 5 minutes, today.

(The following Members (at the request of Mr. MCCOTTER) to revise and extend their remarks and include extraneous material:)

Mr. GUTKNECHT, for 5 minutes, June 13, 14, 15, and 16.

Mr. MCCAUL of Texas, for 5 minutes, today.

Mr. FOSSELLA, for 5 minutes, today.

Mr. OSBORNE, for 5 minutes, June 13.

ADJOURNMENT

Mr. LEVIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 p.m.), under its previous order, the House adjourned until Monday, June 13, 2005, at 12:30 p.m., for morning hour debates.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for speaker-authorized official travel during the first quarter of 2004 and the first quarter of 2005, pursuant to Public Law 95–384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. PATRICK CREAMER, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAR. 30 AND APR. 2, 2005

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Patrick Creamer	3/30	3/30	Jordan	139.50	197.00		(3)			139.50	197.00
	3/31	3/31	Ethiopia		136.00		(3)				136.00
	3/31	4/1	Uganda		157.00		(3)				157.00
	4/1	4/1	Tanzania				(3)				
	4/2	4/2	Turkey		111.00		(3)				111.00
Committee total				139.50	601.00						601.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

PATRICK CREAMER, May 12, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. FRED L. TURNER, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 16 AND APR. 19, 2005

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Fred L. Turner	4/16	4/19	Denmark	3,573.75	615.00					3,573.75	615.00
Committee total				3,573.75	615.00					3,573.75	615.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

FRED L. TURNER, May 18, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. ALAN TENNILLE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 22 AND APR. 26, 2005

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Alan Tennille	4/22	4/24	Colombia		568.00						568.00
	4/24	4/26	Costa Rica		438.00		(3)				438.00
Committee total					1,006.00						1,006.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

ALAN TENNILLE, May 13, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. DARIN GARDNER, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 7 AND MAY 12, 2005

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Darin Gardner	5/7	5/12	Jordan		295.00		(3)				1,180.00
Committee total					295.00						1,180.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

KAY GRANGER, Chairman, May 19, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HON. ALCEE L. HASTINGS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 16 AND APR. 19, 2005

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Alcee L. Hastings	4/16	4/19	Denmark	3,573.75	615.00					3,573.75	615.00
Committee total				3,573.75	615.00					3,573.75	615.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ALCEE L. HASTINGS, Chairman, May 18, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HON. ALCEE L. HASTINGS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 10 AND MAY 14, 2005

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Alcee L. Hastings	5/10	5/11	Denmark	1,165.50	201.00					1,165.50	201.00
	5/11	5/14	Norway		1,122.00						1,122.00
Committee total				1,165.50	1,323.00					1,165.50	1,323.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ALCEE L. HASTINGS, Chairman, May 26, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO CZECH REPUBLIC AND LITHUANIA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 6 AND MAY 8, 2005

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Jack Kingston	5/6	5/8	Czech Republic		356.00		(3)				356.00
Hon. Clay Shaw	5/6	5/8	Czech Republic		356.00		(3)				356.00
Hon. Spencer Bachus	5/6	5/8	Czech Republic		356.00		(3)				356.00
Hon. Tim Holden	5/6	5/8	Czech Republic		356.00		(3)				356.00
Hon. Bill Shuster	5/6	5/8	Czech Republic		356.00		(3)				356.00
Hon. David Scott	5/6	5/8	Czech Republic		356.00		(3)				356.00
Bill Johnso	5/6	5/8	Czech Republic		356.00		(3)				356.00
Scott Palmer	5/6	5/8	Czech Republic		356.00		(3)				356.00
Brenda Becker	5/6	5/8	Czech Republic		356.00		(3)				356.00
Hon. Jack Kingston	5/8	5/10	Lithuania		255.00		(3)				255.00
Hon. Clay Shaw	5/8	5/10	Lithuania		255.00		(3)				255.00
Hon. Spencer Bachus	5/8	5/10	Lithuania		255.00		(3)				255.00
Hon. Tim Holden	5/8	5/10	Lithuania		255.00		(3)				255.00
Hon. Bill Shuster	5/8	5/10	Lithuania		255.00		(3)				255.00
Hon. David Scott	5/8	5/10	Lithuania		255.00		(3)				255.00
Bill Johnso	5/8	5/10	Lithuania		255.00		(3)				255.00
Scott Palmer	5/8	5/10	Lithuania		255.00		(3)				255.00
Brenda Becker	5/8	5/10	Lithuania		255.00		(3)				255.00
Committee total					5,499.00						5,499.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

JACK KINGSTON, Chairman, May 23, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. C.L. "Butch" Otter	8/2	8/4	Venezuela		849.00		2,046.20				2,895.20
Committee total					849.00		2,046.20				2,895.20

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOE BARTON, Chairman, May 11, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND THE WORKFORCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2005

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. John Boehner [3] [4]	11/23	11/28	Austria, Kosovo and Greece		850.00		3,845.98		25,234.64		29,930.62
Hon. John Carter [5]	1/11	1/18	Iraq and Afghanistan								
Hon. Bob Inglis [5]	2/24	2/28	Iraq, Kuwait, Jordan, and Germany								
Hon. Dennis Kucinich [6]	3/17	3/28	Paris, Toulouse, Rome, and Madrid		967.00				23,153.53		24,120.53
Hon. Howard "Buck" McKeon [6]	3/18	3/31	China and Hong Kong		4,272.00				18,481.72		22,753.72
Hon. Carolyn McCarthy	3/18	3/31	China and Hong Kong		4,272.00						4,272.00
Hon. Ruben Hinojosa	3/18	3/30	Beijing, China		2,528.00						2,528.00
Hon. Ron Kind	3/18	3/30	Beijing, China		2,528.00						2,528.00
Paula Nowakowski	3/18	3/31	China and Hong Kong		4,152.00						4,152.00
Amy Lozupone	3/18	3/31	China and Hong Kong		4,152.00						4,152.00
George Canty	3/18	3/31	China and Hong Kong		4,152.00						4,152.00
Committee total											98,588.87

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Previously reported w/o expenditures.
[4] Transportation and other purposes are cumulative for entire CODEL.
[5] Expenditures not yet available.
[6] Other purposes expenditures are cumulative for entire CODEL.

JOHN A. BOEHNER, Chairman, Jun. 3, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2005

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Kathleen Reilly	1/16	1/20	Asia		1,404.00						
Commercial aircraft transportation							3,694.77				5,098.77
Robert Myhill	1/16	1/20	Asia		1,404.00						
Commercial aircraft transportation							3,694.77				5,098.77
Marcel Lettre	1/16	1/20	Asia		1,404.00						
Commercial aircraft transportation						3,454.27					4,858.27
Michael Ennis	1/15	1/18	Asia		1,005.00						
	1/18	1/20	Asia		822.00						
Commercial aircraft transportation							5,819.86				7,646.86
Michael Fogarty	1/15	1/18	Asia		1,005.00						
	1/18	1/20	Asia		822.00						
Commercial aircraft transportation							5,819.86				7,646.86
Christopher Donesa	1/15	1/18	Asia		1,005.00						
	1/18	1/20	Asia		822.00						
Commercial aircraft transportation							5,819.86				7,646.86
Hon. Rush Holt	2/20	2/21	Europe		353.89						
	2/21	2/23	Europe		482.00						
Commercial aircraft transportation							3,374.82				4,210.71
Wyndee Parker	2/19	2/21	Europe		924.00						
	2/21	2/23	Europe		482.00						
Commercial aircraft transportation							7,071.78				8,477.78
Hon. Mike Rogers	3/19	3/20	Middle East		178.00						
	3/20	3/23	Middle East		626.00						
	3/23	3/24	Middle East		508.00						1,312.00
Kathleen Reilly	3/19	3/20	Middle East		178.00						
	3/20	3/23	Middle East		626.00						
	3/23	3/24	Middle East		508.00						1,312.00
Hon. Peter Hoekstra	3/20	3/25	Asia		1,624.00						
Commercial aircraft transportation							5,578.15				7,202.15
Mike Meermans	3/20	3/22	Asia		266.00						
	3/22	3/25	Asia		928.00						
Commercial aircraft transportation							9,430.15				10,624.15
Michael Ennis	3/20	3/22	Asia		266.00						
	3/22	3/25	Asia		928.00						
Commercial aircraft transportation							6,291.15				7,485.15
Beth Larson	3/20	3/22	Asia		266.00						
	3/20	3/23	Asia		928.00						
Commercial aircraft transportation							5,791.15				6,985.15
Jeremy Bash	3/20	3/22	Asia		266.00						
	3/22	3/25	Asia		928.00						
Commercial aircraft transportation							6,630.15				7,824.15
Hon. Robert Cramer	12/26	1/02	Europe		2,746.00						
Commercial aircraft transportation							6,568.56				9,314.56
Committee total											102,744.19

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

PETER HOEKSTRA, Chairman.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2253. A letter from the Chief, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — American Indian Livestock Feed Program, Livestock Assistance Program (RIN: 0560-AH26) received June 3, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2254. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Brucellosis in Swine; Add Florida to List of Validated Brucellosis-Free States [Docket No. 05-009-1] received May 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2255. A letter from the Secretary, Department of Agriculture, transmitting a draft bill ''To amend the United States Grain Standards Act to extend the authority of the Secretary of Agriculture to collect fees to cover administrative and supervisory costs, to extend the authorization of appropriations for such Act, and for other purposes''; to the Committee on Agriculture.

2256. A letter from the Acting Comptroller, Department of Defense, transmitting written notification of advance billing, reasons for the advance billing, an analysis of the effects of the advance billing on military readiness, and an analysis of the effects of the advance billing on the customer, pursuant to 10 U.S.C. 2208; to the Committee on Armed Services.

2257. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Lieutenant General Ronald E. Keys, United States Air Force, to wear the insignia of the grade of general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

2258. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Vice Admiral Gary Roughead, United States Navy, to wear the insignia of the grade of admiral in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

2259. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Major General Charles E. Croom, Jr., United States Air Force, to wear the insignia of the grade of lieutenant general in accordance with title 10 United States Code, section 777; to the Committee on Armed Services.

2260. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Major General Clyde A. Vaughn, Army National Guard of the United States, to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

2261. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Reporting Contract Performance Outside the United States [DFARS Case 2004-D001] received April 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2262. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Unique Item Identification and Valuation [DFARS Case 2003-D081] received April 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2263. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Contractor Personnel Supporting a Force Deployed Outside the United States [DFARS Case 2003-D087] received April 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2264. A letter from the Senior Procurement Executive, OCAO, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Circular 2005-04; Introduction — received April 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2265. A letter from the General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — List of Communities Eligible for the Sale of Flood Insurance [Docket No. FEMA-7776] received May 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2266. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Revised Guidelines for Previous Participation Certification [Docket No. FR-4870-F-02] (RIN: 2502-AI10) received April 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2267. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Treble Damages for Failure To Engage in Loss Mitigation [Docket No. FR-4553-F-03] (RIN: 2501-AC66) received May 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2268. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Schedule for Submission of One-Time and Up-Front Mortgage Insurance Premiums [Docket No. FR-4690-F-02] (RIN: 2502-AH67) received April 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2269. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — International Banking (RIN: 3064-AC85) received April 21, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2270. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Loan Interest Rates — received April 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2271. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Conversion of Insured Credit Unions to Mutual Savings Banks — received May 5, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2272. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Amendment to Rule 4-01(a) of Regulation S-X Regarding the Compliance Date for Statement of Financial Accounting Standards No. 123 (Revised 2004), Share-Based Payment [Release Nos. 33-8568, 34-51558; 35-27959; IC-26833; FR-74] (RIN: 3235-AJ39) received April 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2273. A letter from the Acting Commissioner for Education Statistics, Director, Institute of Education Sciences, Department of Education, transmitting a statistical report prepared by the National Center for Education Statistics entitled, ''The Condition of Education,'' pursuant to 20 U.S.C. 9005; to the Committee on Education and the Workforce.

2274. A letter from the Acting Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Model Milestones for NRC Adjudicatory Proceedings (RIN: 3150-AH71) received April 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2275. A letter from the Acting Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Export and Import of Nuclear Equipment and Material; Exports to Syria Embargoed (RIN: 3150-AH67) received June 3, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

2276. A letter from the Secretary, Department of Veterans Affairs, transmitting the semiannual report on activities of the Inspector General for the period October 1, 2004, through March 31, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2277. A letter from the Administrator, General Services Administration, transmitting an informational copy of an alteration in leased space prospectus for the James L. King Federal Building in Miami, FL; to the Committee on Government Reform.

2278. A letter from the Deputy Archivist, National Archives and Records Administration, transmitting the Administration's final rule — NARA Facility Locations and Hours (RIN: 3095-AB47) received May 5, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

2279. A letter from the Acting Director, Office of Personnel Management, transmitting the Office's final rule — Employment of Relatives (RIN: 3206-AK03) received April 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

2280. A letter from the Acting Director, Office of Personnel Management, transmitting the Office's final rule — Prevailing Rate Systems; Environmental Differential Pay for Asbestos Exposure (RIN: 3206-AK64) received May 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

2281. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Pacific Halibut Fisheries; Catch Sharing Plan; Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Specifications and Management Measures; Inseason [Docket No. 050125016-5097-02; I.D. 011805C] (RIN: 0648-AS61) received May 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2282. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the designation as ''foreign terrorist organization'' pursuant to Section 219 of the Immigration and Nationality Act, pursuant to 8 U.S.C. 1189; to the Committee on the Judiciary.

2283. A letter from the Acting Assitant Secretary for Legislative Affairs, Department of State, transmitting an amendment to a designation as ''foreign terrorist organization'' pursuant to Section 219 of the Immigration and Nationality Act, pursuant to 8 U.S.C. 1189; to the Committee on the Judiciary.

2284. A letter from the Senior Vice President, Girl Scouts of the United States of America, transmitting the Girl Scouts of the United States of America 2004 Annual Report, pursuant to Public Law 105–225 section 803 112 stat. 1362; to the Committee on the Judiciary.

2285. A letter from the Assistant Administrator for Procement, National Aeronautics and Space Administration, transmitting the Administration's final rule — NASA Grant Cooperative Agreement Handbook — Research Misconduct. (RIN: 2700-AD11) received April 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

2286. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — NASA Grant and Cooperative Agreement Handbook — Research Misconduct (RIN: 2700-AD11) received May 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

2287. A letter from the Deputy Assistant Administrator, OAR, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — NOAA Climate and Global Change Program for FY 2006 [Docket No.: 000616180-5104-11] received April 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

2288. A letter from the Director, Regulations Management, Office of Regulation Policy and Management, VA, Department of Veterans Affairs, transmitting the Department's final rule — Elimination of Copayment for Smoking Cessation Counseling (RIN: 2900-AM11) received May 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

2289. A letter from the Director, Regulations Management, Office of Regulation Policy and Management, VA, Department of Veterans Affairs, transmitting the Department's final rule — Veterans Education: Non-payment of VA Educational Assistance to Fugitive Felons (RIN: 2900-AL79) received May 17, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

2290. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters. (Rev. Proc. 2005-23) received April 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2291. A letter from the Secretary, Federal Trade Commission, transmitting the Fourth Annual report pursuant to the College Scholarship Fraud Prevention Act of 2000; jointly to the Committees on Education and the Workforce and the Judiciary.

2292. A letter from the Secretary, Department of Energy, transmitting the Annual Report for calendar year 2004, entitled ''Department of Energy Activities Relating to the Defense Nuclear Facilities Safety Board,'' as required by Section 316(b) of the Atomic Energy Act of 1954, pursuant to 42 U.S.C. 2286e(b); jointly to the Committees on Energy and Commerce and Armed Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BARTON: Committee on Energy and Commerce. H.R. 184. A bill to amend the Controlled Substances Import and Export Act to provide authority to the Attorney General to authorize any controlled substance that is in schedule I or II or is a narcotic drug in schedule III or IV to be exported from the United States to a country for subsequent export from that country to another country, if certain conditions are met; with amendments (Rept. 109–115 Pt. 1). Ordered to be printed.

Mr. BARTON: Committee on Energy and Commerce. H.R. 869. A bill to amend the Controlled Substances Act to lift the patient limitation on prescribing drug addiction treatments by medical practitioners in group practices, and for other purposes (Rept. 109–116 Pt. 1). Ordered to be printed.

Mr. POMBO: Committee on Resources. H.R. 517. A bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000, and for other purposes (Rept. 109–117 Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 184. Referral to the Committee on the Judiciary extended for a period ending not later than July 11, 2005.

H.R. 869. Referral to the Committee on the Judiciary extended for a period ending not later than July 11, 2005.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. INSLEE (for himself, Mr. VAN HOLLEN, Mr. HOLT, Mr. ISRAEL, Mr. HONDA, Mr. MCDERMOTT, Mr. LARSEN of Washington, Mr. JACKSON of Illinois, Ms. SCHAKOWSKY, Mr. LANGEVIN, Mr. GRIJALVA, Mr. EMANUEL, Ms. BALDWIN, Mr. GEORGE MILLER of California, and Mr. SMITH of Washington):

H.R. 2828. A bill to ensure that the United States leads the world in developing and manufacturing next generation energy technologies, to grow the economy of the United States, to create new highly trained, highly skilled American jobs, to eliminate American overdependence on foreign oil, and to address the threat of global warming; to the Committee on Energy and Commerce, and in addition to the Committees on Science, Ways and Means, Financial Services, Transportation and Infrastructure, Education and the Workforce, Government Reform, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SOUDER (for himself and Mr. TOM DAVIS of Virginia):

H.R. 2829. A bill to reauthorize the Office of National Drug Control Policy Act; to the Committee on Government Reform, and in addition to the Committees on the Judiciary, Energy and Commerce, and Intelligence (Permanent Select), 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. BOEHNER (for himself, Mr. THOMAS, Mr. SAM JOHNSON of Texas, Mr. KLINE, Mr. MCKEON, Mr. TIBERI, and Mr. BOUSTANY):

H.R. 2830. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to reform the pension funding rules, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOEHNER:

H.R. 2831. A bill to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to make improvements in benefit accrual standards; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. KELLY:

H.R. 2832. A bill to establish certain conditions on the Secretary of Veterans Affairs implementing any recommendation of the CARES Commission that would have the effect of eliminating or severely reducing any medical service provided to veterans throughout the United States at Department of Veterans Affairs medical facilities; to the Committee on Veterans' Affairs.

By Mr. BROWN of South Carolina:

H.R. 2833. A bill to suspend temporarily the duty on NaMBT; to the Committee on Ways and Means.

By Mr. KANJORSKI (for himself, Mr. MORAN of Virginia, Mr. WYNN, Mr. UDALL of Colorado, Mr. JEFFERSON, Mrs. MALONEY, Mr. BISHOP of New York, and Mr. OWENS):

H.R. 2834. A bill to assure quality and best value with respect to Federal construction projects by prohibiting the practice known as bid shopping; to the Committee on Government Reform.

By Mr. GEORGE MILLER of California (for himself, Mr. KILDEE, Mr. OWENS, Mr. PAYNE, Ms. WOOLSEY, Mr. ANDREWS, Mr. SCOTT of Virginia, Mr. HINOJOSA, Mrs. MCCARTHY, Mr. TIERNEY, Mr. KUCINICH, Mr. HOLT, Mr. DAVIS of Illinois, Mr. GRIJALVA, Ms. MCCOLLUM of Minnesota, Mr. VAN HOLLEN, Mr. RYAN of Ohio, Mr. BISHOP of New York, Mr. BARROW, Ms. SLAUGHTER, Mr. CONYERS, Mr. BROWN of Ohio, Mr. CAPUANO, Mrs. JONES of Ohio, Mr. WEINER, Ms. LEE, Ms. WATSON, Mr. WEXLER, Mr. HIGGINS, Mr. ISRAEL, Ms. WASSERMAN SCHULTZ, Ms. CORRINE BROWN of Florida, Mr. BERMAN, Mr. CLEAVER, Ms. DELAURO, Mr. BACA, Mr. DELAHUNT, Ms. BALDWIN, Mr. ABERCROMBIE, Mr. FATTAH, Mr. FALEOMAVAEGA, Mr. FORD, Mr. ETHERIDGE, Ms. ESHOO, Mr. CUMMINGS, and Mr. FRANK of Massachusetts):

H.R. 2835. A bill to amend the Elementary and Secondary Education Act of 1965, the Higher Education Act of 1965, and the Internal Revenue Code of 1986 to improve recruitment, preparation, distribution, and retention of public elementary and secondary school teachers and principals, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWN of South Carolina:

H.R. 2836. A bill to extend the duty suspension on Allyl isosulfocynate; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 2837. A bill to extend the duty suspension on sodium methylate powder; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 2838. A bill to extend the duty suspension on Trimethyl cyclo hexanol; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 2839. A bill to extend the duty suspension on 2,2-Dimethyl-3-(3-methylphenyl)proponal; to the Committee on Ways and Means.

By Mr. CHABOT (for himself, Mr. NADLER, Mr. CANNON, and Mr. DELAHUNT):

H.R. 2840. A bill to amend title 5, United States Code, to require that agencies, in promulgating rules, take into consideration the impact of such rules on the privacy of individuals, and for other purposes; to the Committee on the Judiciary.

By Mr. FERGUSON (for himself, Mr. STRICKLAND, Mr. LATOURETTE, Mr. RYAN of Ohio, and Mr. ISSA):

H.R. 2841. A bill to amend title XVIII of the Social Security Act to provide for coverage, as supplies associated with the injection of insulin, of home needle destruction devices and the disposal of needles and lancets through a sharps-by-mail or similar program under part D of the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FLAKE (for himself, Mr. DREIER, Mr. SESSIONS, Mr. HENSARLING, Mr. HERGER, Mr. GARRETT of New Jersey, Mr. MILLER of Florida, Mr. MCHENRY, Mr. CONAWAY, Mr. ADERHOLT, Mr. PENCE, Mr. FRANKS of Arizona, Mr. KING of Iowa, Mr. HOSTETTLER, Mr. SHADEGG, Mr. NEUGEBAUER, Mr. WILSON of South Carolina, Mr. GINGREY, Mr. SAM JOHNSON of Texas, Mrs. MYRICK, Mrs. MUSGRAVE, Mr. FEENEY, Mrs. CUBIN, Mr. AKIN, Mr. BARRETT of South Carolina, Mr. BARTLETT of Maryland, and Mr. RYUN of Kansas):

H.R. 2842. A bill to require the Congressional Budget Office and the Joint Committee on Taxation to use dynamic economic modeling in addition to static economic modeling in the preparation of budgetary estimates of proposed changes in Federal revenue law; to the Committee on the Budget, and in addition to the Committees on Rules, and 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. GENE GREEN of Texas:

H.R. 2843. A bill to prohibit the use of remote control locomotives to carry hazardous materials, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. HINCHEY (for himself, Mr. LATHAM, Mr. SANDERS, Mr. MCNULTY, Mr. FRANK of Massachusetts, and Mr. AL GREEN of Texas):

H.R. 2844. A bill to amend the National Nutrition Monitoring and Related Research Act of 1990 to foster greater understanding of human dietary eating patterns and food intake, physical activity level, food security, dietary exposure, and nutritional status; to provide timely information to public program managers and private sector decision makers to improve nutritional intake, physical activity, health, productivity and other measures of quality of life of Americans, based on scientifically established norms and the knowledge and experience developed under the National Nutrition Monitoring and Related Research Act of 1990 over the past decade; to reauthorize nutrition monitoring programs; and for other purposes; to the Committee on Agriculture.

By Ms. KAPTUR:

H.R. 2845. A bill to suspend temporarily the duty on certain plain woven fabrics; to the Committee on Ways and Means.

By Mr. LOBIONDO (for himself and Mr. MCINTYRE):

H.R. 2846. A bill to ensure the continuation and improvement of coastal restoration; to the Committee on Transportation and Infrastructure.

By Mrs. MYRICK:

H.R. 2847. A bill to extend the suspension of duty on 1,3-Benzenedicarboxamide, N, N′-Bis (2,2,6,6-tetramethyl-4-piperidinyl)-; to the Committee on Ways and Means.

By Mrs. MYRICK:

H.R. 2848. A bill to extend the suspension of duty on reaction products of phosphorus trichloride with 1,1′-biphenyl and 2,4-bis(1,1-dimethylethyl)phenol; to the Committee on Ways and Means.

By Mrs. MYRICK:

H.R. 2849. A bill to extend the suspension of duty on preparations based on ethanediamide, N-(2-ethoxyphenyl)-N′-(4-isodecylphenyl)-; to the Committee on Ways and Means.

By Mrs. MYRICK:

H.R. 2850. A bill to extend the suspension of duty on 1-Acetyl-4-(3-dodecyl-2,5-dioxo-1-pyrrolidinyl)-2,2,6,6-tetramethylpiperidine; to the Committee on Ways and Means.

By Mrs. MYRICK:

H.R. 2851. A bill to extend the suspension of duty on 3-Dodecyl-1-(2,2,6,6-tetramethyl-4-piperidinyl)-2,5-pyrrolid nedione; to the Committee on Ways and Means.

By Mrs. MYRICK:

H.R. 2852. A bill to extend the suspension of duty on Tetraacetylethylenediamine; to the Committee on Ways and Means.

By Mrs. MYRICK:

H.R. 2853. A bill to extend the suspension of duty on sodium petroleum sulfonate; to the Committee on Ways and Means.

By Mrs. MYRICK:

H.R. 2854. A bill to extend the suspension of duty on esters and sodium esters of parahydroxybenzoic acid; to the Committee on Ways and Means.

By Mrs. MYRICK:

H.R. 2855. A bill to extend the suspension of duty on Oxalic Anilide; to the Committee on Ways and Means.

By Mr. NEAL of Massachusetts:

H.R. 2856. A bill to suspend temporarily the duty on certain inflatable balls; to the Committee on Ways and Means.

By Mr. ORTIZ:

H.R. 2857. A bill to require the immediate release, in unclassified form, of all documentation and other information used by the Secretary of Defense to prepare the recommendations submitted to Congress on May 13, 2005, regarding the closure and realignment of military installations in the United States; to the Committee on Armed Services.

By Mr. PETRI:

H.R. 2858. A bill to establish and strengthen postsecondary programs and courses in the subjects of traditional American history, free institutions, and Western civilization, available to students preparing to teach these subjects, and to other students; to the Committee on Education and the Workforce.

By Mr. RYUN of Kansas (for himself and Mr. WYNN):

H.R. 2859. A bill to amend the Servicemembers Civil Relief Act to provide improved interest rate relief for servicemembers during periods of military service; to the Committee on Veterans' Affairs.

By Mr. SMITH of Washington (for himself and Mr. INSLEE):

H.R. 2860. A bill to encourage Members of Congress and the executive branch to be honest with the public about true on-budget circumstances, to exclude the Social Security trust funds and the Medicare hospital insurance trust fund from the annual Federal budget baseline, to prohibit Social Security and Medicare hospital insurance trust funds surpluses to be used as offsets for tax cuts or spending increases, and to exclude the Social Security trust funds and the Medicare hospital insurance trust fund from official budget surplus/deficit pronouncements; to the Committee on the Budget, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UPTON (for himself and Ms. ESHOO):

H.R. 2861. A bill to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity; to the Committee on Energy and Commerce.

By Mrs. MILLER of Michigan:

H.J. Res. 53. A joint resolution proposing an amendment to the Constitution of the United States to provide that Representatives shall be apportioned among the several States according to their respective numbers, counting the number of persons in each State who are citizens of the United States; to the Committee on the Judiciary.

By Mr. CONYERS (for himself, Mr. STARK, Mr. MCDERMOTT, Mr. MORAN of Virginia, Mr. MEEHAN, Mrs. MALONEY, Mr. SHERMAN, Mr. SERRANO, Mr. BOUCHER, and Ms. WASSERMAN SCHULTZ):

H. Con. Res. 176. Concurrent resolution expressing the sense of the Congress that, as Congress and all Americans learned the identity of ''Deep Throat'' as W. Mark Felt this week, it commends and honors W. Mark Felt for his uncommon courage and bravery in exposing major Government corruption and encourages other FBI employees aware of wrongdoing to follow the lead of this model whistleblower; to the Committee on the Judiciary.

By Ms. DELAURO (for herself, Mrs. JOHNSON of Connecticut, Mr. SHAYS, Mr. LARSON of Connecticut, Mr. SIMMONS, Ms. SLAUGHTER, Mrs. BIGGERT, Mrs. CAPPS, Mr. WAXMAN, Mr. KOLBE, Mr. SCHIFF, Mrs. DAVIS of California, Mr. GRIJALVA, Mr. FILNER, Ms. ESHOO, Ms. BALDWIN, Mrs. MALONEY, Mr. LARSEN of Washington, Ms. WATSON, Ms. ZOE LOFGREN of California, Mr. AL GREEN of Texas, Ms. WASSERMAN SCHULTZ, Mr. LANTOS, Mr. OWENS, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MCDERMOTT, Mr. TOWNS, Ms. SCHAKOWSKY, Ms. HARMAN, Mr. CAPUANO, Ms. CARSON, Mrs. MCCARTHY, Ms. SOLIS, Mr. GEORGE MILLER of California, Mr. STARK, Mr. BROWN of Ohio, Mr. WEXLER, Mr. FARR, Ms. MCCOLLUM of Minnesota, Mr. ACKERMAN, Mr. INSLEE, and Mr. SANDERS):

H. Res. 311. A resolution recognizing the importance of the decision of the Supreme Court, Griswold v. Connecticut, which 40 years ago held that married couples have a constitutional right to use contraceptives, thereby recognizing the legal right of women to control their fertility through birth control and providing for vast improvements in maternal and infant health and for significant reductions in the rate of unintended pregnancy, and for other purposes; to the Committee on the Judiciary.

By Mr. GARY G. MILLER of California (for himself, Mr. OXLEY, Mr. FRANK of

Massachusetts, Mr. NEY, Ms. WATERS, and Ms. HARRIS):

H. Res. 312. A resolution recognizing National Homeownership Month and the importance of homeownership in the United States; to the Committee on Financial Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 11: Mr. THOMPSON of Mississippi, Mr. WHITFIELD, and Mr. STUPAK.

H.R. 98: Mr. DELAY.

H.R. 111: Mr. BILIRAKIS, Mr. POE, and Mr. SMITH of Washington.

H.R. 136: Mr. AKIN.

H.R. 147: Mr. ENGLISH of Pennsylvania, Mr. KUHL of New York, and Mr. WILSON of South Carolina.

H.R. 181: Mr. PITTS, Mrs. BLACKBURN, Mr. DOOLITTLE, Mr. HENSARLING, Mr. SHADEGG, and Mr. BISHOP of Utah.

H.R. 297: Mr. PLATTS and Mr. JACKSON of Illinois.

H.R. 356: Mr. ROGERS of Kentucky.

H.R. 398: Mr. SERRANO.

H.R. 475: Mrs. MCCARTHY and Mr. SABO.

H.R. 476: Mrs. MCCARTHY.

H.R. 515: Mr. HINCHEY, Mr. MATHESON, and Mr. PASTOR.

H.R. 535: Mr. LANTOS.

H.R. 551: Mr. TIERNEY, Mr. WAXMAN, Mr. NEAL of Massachusetts, and Mrs. MALONEY.

H.R. 554: Mr. DAVIS of Kentucky.

H.R. 558: Mr. BILIRAKIS, Mrs. JONES of Ohio, Mr. CLEAVER, Mr. SMITH of Washington, and Mr. BEAUPREZ.

H.R. 583: Ms. KILPATRICK of Michigan.

H.R. 596: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. CULBERSON.

H.R. 602: Ms. PELOSI.

H.R. 609: Mr. KLINE.

H.R. 699: Mr. LARSEN of Washington, Mr. UDALL of New Mexico, and Mr. NORWOOD.

H.R. 719: Mr. TOWNS.

H.R. 809: Mr. GARRETT of New Jersey, Mr. JONES of North Carolina, Mr. INGLIS of South Carolina, and Mr. CRENSHAW.

H.R. 818: Ms. LINDA T. SÁNCHEZ of California.

H.R. 819: Mr. CANTOR.

H.R. 827: Mr. PASCRELL.

H.R. 831: Mrs. CHRISTENSEN and Mr. EVANS.

H.R. 864: Mr. WYNN and Mr. ISRAEL.

H.R. 893: Mr. REYES, Mr. WEXLER, Mr. FALEOMAVAEGA, Mr. CONYERS, Ms. WATERS, Mr. WAXMAN, and Mr. COSTA.

H.R. 916: Mr. WHITFIELD, Mr. HUNTER, and Mr. NORWOOD.

H.R. 930: Mr. THOMPSON of California and Mr. DUNCAN.

H.R. 949: Mr. VAN HOLLEN, Ms. JACKSON-LEE of Texas, Mr. MCNULTY, Mr. WAXMAN, Mr. CROWLEY, Mr. MARSHALL, Mrs. LOWEY, and Mr. BRADY of Pennsylvania.

H.R. 1048: Ms. MILLENDER-MCDONALD.

H.R. 1056: Ms. JACKSON-LEE of Texas and Mr. MCGOVERN.

H.R. 1108: Mr. FILNER and Mr. JACKSON of Illinois.

H.R. 1125: Mr. LEVIN and Mr. FRANK of Massachusetts.

H.R. 1131: Mr. GERLACH, Mr. RYAN of Ohio, Mr. GEORGE MILLER of California, and Mr. MILLER of Florida.

H.R. 1175: Mr. DEFAZIO.

H.R. 1183: Mr. LEACH.

H.R. 1186: Mr. SIMPSON, Mr. LAHOOD, Mr. RADANOVICH, and Mr. CALVERT.

H.R. 1201: Mr. PRICE of North Carolina.

H.R. 1216: Mr. BRADLEY of New Hampshire.

H.R. 1227: Mr. DOGGETT, Mr. HINOJOSA, and Ms. JACKSON-LEE of Texas.

H.R. 1245: Mr. CASTLE, Mrs. WILSON of New Mexico, Mr. DENT, Mr. CANNON and Mr. WAMP.

H.R. 1262: Mr. SOUDER, Mr. CARNAHAN, and Mr. ANDREWS.

H.R. 1264: Mr. DOYLE, and Mr. BERMAN.

H.R. 1288: Mr. BLUNT, Mr. MACK, Mr. BROWN of South Carolina, Mr. CHANDLER, and Mr. BILIRAKIS.

H.R. 1290: Mr. UDALL of New Mexico.

H.R. 1298: Mr. NEAL of Massachusetts, Mr. CALVERT, Mr. PALLONE, Mr. SOUDER, and Mr. VISCLOSKY.

H.R. 1306: Mr. DOYLE, Mr. GRAVES, Mr. BOYD, Mr. BERRY, Mr. FORD, and Mr. BRADLEY of New Hampshire.

H.R. 1310: Mr. BERMAN and Mr. STARK.

H.R. 1348: Ms. WOOLSEY and Ms. JACKSON-LEE of Texas.

H.R. 1355: Mr. PUTNAM.

H.R. 1402: Mr. BOUCHER and Ms. BALDWIN.

H.R. 1406: Mr. SMITH of Washington.

H.R. 1409: Mr. YOUNG of Alaska.

H.R. 1424: Mr. BARROW.

H.R. 1431: Mr. VAN HOLLEN, Mr. ROHRABACHER, and Mr. MORAN of Virginia.

H.R. 1456: Mr. PALLONE, Mr. DEFAZIO, and Mr. CLEAVER.

H.R. 1540: Mr. PITTS.

H.R. 1554: Mr. SAXTON.

H.R. 1578: Mr. TOWNS, Mr. ROTHMAN, Ms. FOXX, Mr. MANZULLO, Mrs. JOHNSON of Connecticut, Mr. DAVIS of Alabama, Mr. MATHESON, and Mr. KIND.

H.R. 1582: Mr. STRICKLAND, Mr. EHLERS, and Mr. KENNEDY of Rhode Island.

H.R. 1588: Mr. LINCOLN DIAZ-BALART of Florida and Mr. PASTOR.

H.R. 1602: Mr. KUHL of New York, Ms. HART, and Mr. WELDON of Pennsylvania.

H.R. 1607: Mrs. KELLY.

H.R. 1634: Mr. RYUN of Kansas, Mr. REHBERG, and Mr. TIAHRT.

H.R. 1652: Mr. BACA.

H.R. 1671: Mr. RAHALL.

H.R. 1689: Mr. PRICE of Georgia.

H.R. 1696: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1697: Mr. DAVIS of Illinois.

H.R. 1704: Ms. MCKINNEY, Mrs. CAPITO, Mr. MENENDEZ, Mr. RAMSTAD, Mr. CARNAHAN, and Ms. MCCOLLUM of Minnesota.

H.R. 1712: Mrs. CHRISTENSEN, Mr. DELAHUNT, Mr. GORDON, Mrs. LOWEY, Mr. MEEKS of New York, Ms. SCHAKOWSKY, Mr. TIERNEY, Mr. UDALL of New Mexico, Mr. WU, Mr. JEFFERSON, Mr. MCGOVERN, Mr. OLVER, Mr. SABO, Ms. MCCOLLUM of Minnesota, Mr. KUCINICH, Mr. HINCHEY, Mr. DEFAZIO, Mr. MCDERMOTT, and Mr. DAVIS of Illinois.

H.R. 1714: Mr. SMITH of Texas.

H.R. 1737: Mr. DAVIS of Florida and Mr. BERMAN.

H.R. 1770: Mr. FRANKS of Arizona and Ms. GINNY BROWN-WAITE of Florida.

H.R. 1798: Mr. SAXTON.

H.R. 1850: Mr. WELDON of Pennsylvania.

H.R. 1851: Mr. RADANOVICH.

H.R. 1872: Mr. PORTER and Mr. MORAN of Kansas.

H.R. 1898: Mrs. JO ANN DAVIS of Virginia, Mrs. CAPITO, Mr. CONYERS, Mr. PENCE, and Mr. PLATTS.

H.R. 1902: Ms. MCKINNEY.

H.R. 1946: Mr. TIERNEY.

H.R. 1957: Mr. FORBES and Mr. BOUSTANY.

H.R. 1961: Mrs. TAUSCHER.

H.R. 1973: Mr. BAIRD and Mr. BUTTERFIELD.

H.R. 1986: Mr. BILIRAKIS and Mr. FRANKS of Arizona.

H.R. 2034: Mr. KUHL of New York, Mr. KINGSTON, Mr. DAVIS of Tennessee, Mr. PEARCE, and Mr. NORWOOD.

H.R. 2061: Mr. HOLDEN, Mr. FORD, Mr. MANZULLO, and Miss MCMORRIS.

H.R. 2072: Ms. WOOLSEY, and Mrs. LOWEY.

H.R. 2089: Mr. MANZULLO, Mr. LATHAM, and Mr. BEAUPREZ.

H.R. 2108: Mr. HIGGINS.

H.R. 2112: Mr. PENCE, Mr. ALEXANDER, and Mr. SOUDER.

H.R. 2122: Mr. GRIJALVA.

H.R. 2133: Mr. GRIJALVA and Mr. GEORGE MILLER of California.

H.R. 2209: Mr. TANNER and Mr. BERRY.

H.R. 2229: Mr. GREEN of Wisconsin, Mrs. JO ANN DAVIS of Virginia, Ms. GINNY BROWN-WAITE of Florida, and Mr. ALEXANDER.

H.R. 2317: Ms. WATSON and Mr. ISSA.

H.R. 2327: Mr. MCNULTY and Mr. WU.

H.R. 2349: Mr. CLAY.

H.R. 2359: Mr. CASE.

H.R. 2363: Mr. UDALL of Colorado.

H.R. 2387: Mr. CONAWAY, Mr. LEWIS of Kentucky, Mr. HOSTETTLER, Mrs. CAPITO, and Mr. GREEN of Wisconsin.

H.R. 2389: Mr. KUHL of New York.

H.R. 2455: Ms. BALDWIN.

H.R. 2498: Mr. BARROW, Ms. HERSETH, Mr. SALAZAR, Mrs. EMERSON, Mr. LATHAM, Mr. GRAVES, Mr. MCHUGH, and Mr. FORD.

H.R. 2525: Mr. HIGGINS.

H.R. 2574: Ms. PRYCE of Ohio.

H.R. 2641: Mr. HOLT, Mrs. MCCARTHY, Mr. FORD, and Mr. MENENDEZ.

H.R. 2646: Mr. FLAKE, Mr. RYAN of Wisconsin, Mrs. MUSGRAVE, and Mr. FRANKS of Arizona.

H.R. 2648: Mr. NORWOOD.

H.R. 2662: Mr. BACA and Ms. MOORE of Wisconsin.

H.R. 2680: Mr. WELLER.

H.R. 2688: Mr. RANGEL.

H.R. 2694: Mr. LARSEN of Washington, Mr. OBERSTAR, and Mr. GRIJALVA.

H.R. 2695: Mrs. CHRISTENSEN, Mr. CLAY, Ms. LEE, Mr. TOWNS, Mr. PAYNE, Mr. SANDERS, Mr. CONYERS, Mrs. MCCARTHY, Mr. STRICKLAND, Mr. CLEAVER, and Ms. WATERS.

H.R. 2717: Mr. DAVIS of Illinois, Mr. RUSH, Mr. LEACH, Mr. ALLEN, Mr. FRANK of Massachusetts, Mr. PASTOR, Mr. MCCOTTER, Mr. EHLERS, Mr. MEEK of Florida, Mr. KIND, Mr. MORAN of Virginia, Mr. CROWLEY, Ms. KAPTUR, Mrs. MCCARTHY, Mr. DAVIS of Alabama, Ms. HERSETH, Mr. DEFAZIO, Mr. YOUNG of Alaska, Mr. RENZI, Mr. NEY, Ms. MCCOLLUM of Minnesota, and Mr. KUHL of New York.

H.R. 2737: Mr. TOWNS.

H.R. 2793: Mr. GREEN of Wisconsin.

H.R. 2811: Mr. CARNAHAN.

H. Con. Res. 10: Mr. MCCOTTER.

H. Con. Res. 24: Mr. SABO.

H. Con. Res. 35: Mr. MCGOVERN and Ms. BALDWIN.

H. Con. Res. 50: Mr. BACHUS.

H. Con. Res. 91: Mr. BILIRAKIS.

H. Con. Res. 144: Mr. SAM JOHNSON of Texas.

H. Con. Res. 158: Ms. MILLENDER-MCDONALD.

H. Con. Res. 172: Mr. BARROW.

H. Res. 199: Mr. TOM DAVIS of Virginia and Mr. OLVER.

H. Res. 220: Mr. LIPINSKI, Ms. KAPTUR, Mr. EMANUEL, Mr. BROWN of Ohio, Ms. BALDWIN, Mrs. KELLY, and Mr. MELANCON.

H. Res. 259: Mrs. MALONEY, Mr. MCDERMOTT, Mr. DAVIS of Illinois, Ms. CARSON, Ms. KILPATRICK of Michigan, Ms. LEE, Mr. THOMPSON of Mississippi, Ms. JACKSON-LEE of Texas, Ms. CORRINE BROWN of Florida, Mr. WATT, Mr. JEFFERSON, Mr. CUMMIMGS, Ms. NORTON, Mr. BUTTERFIELD, Mr. BISHOP of Georgia, and Mr. WYNN.

H. Res. 297: Mr. BEAUPREZ.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 2 by Mr. MARSHALL on House Resolution 270: Charles A. Gonzalez, Melissa L. Bean, Lincoln Davis, Jerry F. Costello, Nita M. Lowey, Eliot L. Engel, Solomon P. Ortiz, Luis V. Gutierrez, John D. Dingell, and Robert Wexler.

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PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, FIRST SESSION

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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire.

The PRESIDING OFFICER. Today's prayer will be offered by the guest chaplain, Bishop Geralyn Wolf of the Episcopal Diocese of Rhode Island, Providence, RI.

PRAYER

The guest Chaplain offered the following prayer:

Almighty God, to the poor, You have united us to bring uncommon hope; to innocent captives, release; to the blind, vision, stretching boundaries of imagination.

The poor in every land stretch out empty bowls, and we do not fill them; political captives seek justice, and we respond through the captivity of fear; the sick yearn for healing arts, yet the cries of children still prevail.

O gracious God, You gave us a rich heritage of compromise, and we cling unyieldingly to personal truths; You gave us a world abundant in resources, and we squander our inheritance; You gave us wisdom and insight, and our disagreements sound like loud-clanging symbols.

O God, forgive us. Release the fires of integrity that dwell within the hearts of this great Chamber, and make us urgent to mend the torn fabric of peace, to stretch courageously beyond political comfort, and to bring holy blessings to all God's people everywhere. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN E. SUNUNU led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 9, 2005.

To the Senate:

Under the provisions of rule 1, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. SUNUNU thereupon assumed the chair as Acting President pro tempore.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

WELCOMING THE GUEST CHAPLAIN

Mr. REED. Mr. President, may I say how proud I am of Bishop Wolf, not only for her prayer but for her extraordinary service to the people of the Rhode Island diocese. Bishop Wolf is a remarkable person, a remarkable pastor but also a remarkable individual. Unlike many people who would be content with the trappings of their ecclesiastical office, she actually has lived with the homeless in New York, Rhode Island, and Philadelphia. She endured what they endured, she saw their suffering. She bore witness to their suffering not only in her experiences but her work in Rhode Island. She is a remarkable woman who leads by example literally and constantly reminds us of our obligations not just to ourselves but to our neighbors. We are very proud to have her as our Episcopal bishop.

I yield the floor.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning we will return to the nomination of William Pryor to be a judge of the Eleventh Circuit. Yesterday, cloture was invoked by a vote of 76 to 32, and we will have the vote on the Pryor nomination at 4 p.m. today. Following that vote, we will turn to the consideration of the two Sixth Circuit nominations that are pending on the Executive Calendar, with the time allotted for the Griffin and McKeague nominations totalling 10 hours. However, it is my hope and expectation that much of that time can be yielded back and that we can have those votes either very late this afternoon or early this evening. On Monday, we will debate the nomination of Tom Griffith to be judge for the D.C. Circuit Court, with that vote occurring Monday evening.

That is an overview of today, pretty much as we have agreed earlier in the week, and the expected votes. We will update Members over the course of the day of changes in the schedule and definitely what the schedule will be on Monday. And then we will follow that with the energy legislation. Following the remarks from the Democratic leader, I have a short statement on energy.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

EXPRESSING APPRECIATION

Mr. REID. Mr. President, as the Chair and distinguished majority leader know, I am sorry we have spent so

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

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much time on judges, but the fact is I wish to express my appreciation to Democratic Senators for being so cooperative. Since the agreement was made a week or two ago, my Senators have been so cooperative. Senator LEAHY has had to change his whole schedule around this Monday to take care of the Griffith nomination. There has been an agreement made that we are not going to use all the time on Pryor.

I also express my appreciation to Senators LEVIN and STABENOW for allowing us to move forward on the Michigan judges. In spite of the fact that there are some hurt feelings as a result of the way the Michigan Senators were treated, they have agreed to set those aside and move forward on these two individuals. From all I have been able to determine, the two Michigan judges coming before us are well qualified, and there will not be any rancorous debate about either one of them. But I just want the majority leader to know that we have moved forward on these matters as expeditiously as possible, in spite of the relatively difficult time we have had arriving at this point.

I look forward next week to a vigorous debate on the Energy bill. It is great that we are going to be legislating here for a change. This is an extremely important piece of legislation. I am also indicating to all those within the sound of my voice how appreciative—I don't think the word ''proud'' is right but how appreciative—I am of the work of Senators BINGAMAN and DOMENICI to get the bill to this point.

We haven't had such cooperation on this committee in many years. We have a bill now that was reported out by a heavy margin of the committee, and I think as a result of that we will have some vigorous debate. There are some things on this side we believe should be done differently, but that is what legislation is all about. Again, having spent most of my life as a legislator, I look forward to the Senate returning to what it does best.

Mr. FRIST. Mr. President, I think this 4-week period does demonstrate the Senate responding to the American people and what they expect, the fact that this week we are moving forward on judges, which people know has been very contentious over the last several weeks, months, and even the last couple years. We are making great progress working hand in hand on both sides of the aisle and delivering what the American people want and expect. As the Democratic leader said, we will be returning to an issue I know we care extremely about. We have not been able to make progress in several years. Because of the work of the two leaders, Senators DOMENICI and BINGAMAN, they have delivered an energy bill in a bipartisan way that will come to the Senate floor and be fully debated. We will be spending next week, week and a half, 2 weeks on the bill for debate, offering amendments, and we will start that process in the early days of next week.

ENERGY INDEPENDENCE

Mr. FRIST. Mr. President, I do wish to comment just a bit further on energy, really as a prelude to what we will be spending a lot of time on beginning hopefully Monday and then spending the course of that week into the next week, and that is the issue surrounding gasoline prices, natural gas prices, concerns that individuals think about every single day as they turn on the lights in their home, as they go to work, on the way filling up the gas tank of their automobile with gasoline, as they use energy sources over the course of the day in the activity of their small business, and that is the energy challenges that are before us, have been before us. Now is the time to address them, and that we will.

With gasoline now averaging over $2 a gallon, anyone who has gone to the pump lately feels that impact, they feel that squeeze of higher energy prices. It is costing families who have driven to work this morning more and more just to get to work, over the last several years costing them more to go pick up their kids from school in the afternoon, or as many people prepare for summer vacations costing them more because of this increase in energy prices. It is not just the gasoline prices that are climbing. We have rising natural gas prices that have been driving up electric bills in the last 4 months, higher electric bills for everybody, especially families and small businesses.

As energy costs take a bigger and bigger bite in the family budgets, families are able to spend less on other necessities in their lives, whether it is food or shelter or health care. As electric bills consume more and more of the small companies' assets or their bottom lines, they invest less, they invest less in inventory or in capital expenditures, or they invest less in how much they can pay employees working for that small business. In order to keep our economy strong, and it does translate down into jobs, making others' lives more fulfilling every day, we must rely on a reliable and affordable and secure supply of energy, reliable, affordable, and secure. That is the purpose of the Energy bill that will be brought to the floor of the Senate early next week.

Right now, we face enormous challenges, huge challenges. We have not had a comprehensive national energy policy or energy strategy, cohesive strategy in over 10 years. This has contributed to the higher prices. It has threatened our ability to maintain a reliable, affordable, and secure supply of energy for the future. The fact is that—and it is probably the easiest thing to remember when you start talking about energy other than the impact it has on everybody in everyday life—we are too dependent on foreign sources of energy. We have to look to a more diverse energy series of sources. We have to look to new technologies here at home. Yes, absolutely we need to conserve more, and we also need to produce more in order to enhance our energy independence and to enhance our energy security.

One of the primary energy challenges we face is this reliance on foreign oil. In the 1960s and early 1970s, the United States produced almost as much oil as we consumed, and during that period of time imports were very small. In 1972, however, U.S. oil production began to decline, and that production has been declining steadily ever since. The U.S. consumption of oil has been steadily increasing. So we have declining production and increasing consumption.

As a result, our reliance—this I would say irresponsible reliance that we have today on foreign oil, on imported oil—is growing. Ten years ago, in 1995, we were 47 percent dependent on foreign sources of oil. Today, that 47 percent has grown to a 56-percent dependence on foreign sources of oil. If you project that out, by 2025, if we do nothing, we will be 68-percent dependent on foreign oil; much of it, as we all know, coming from countries that do not necessarily have our best interests at heart.

Today we import most of our oil from Canada, Venezuela, Saudi Arabia, and Mexico. However, as we look forward, the Department of Energy's Energy Information Administration did project more and more of the oil we need will come from the OPEC countries in the Middle East.

We must take steps to reduce our dependence on foreign countries and enhance our energy security at home. When we rely on other nations for more than half of our oil supply, we simply put ourselves at greater risk.

While there is no silver bullet that can make us 100-percent energy independent in the near future, there is a lot we can do right now to reduce our dependence and enhance our security. Much of it will be addressed on the floor in the next 2 weeks.

Everything should be on the table, including increasing conservation, enhancing energy efficiency, investing in new technologies that will allow us to both use energy more wisely and tap new sources of energy, and finally, increasing domestic production of energy sources at home. The transportation sector is a prime example. Nearly 70 percent of the oil we use goes to power the cars and trucks we drive every day. If we are serious about reducing our dependence on foreign oil, we must look for new ways to fuel our vehicles. We are already doing this with the hybrid cars—they are becoming more and more popular, as we all know—and with alternative fuels, such as ethanol and biodiesel.

We must continue to move in this direction by continuing to invest in hydrogen fuel cell research. President Bush has stressed this again and again, and he has said his goal is that today's

children will take their driver's test in a zero-emission vehicle. That would go a long way toward helping to reduce our dependence and enhance our security.

Natural gas is another energy source we depend on heavily and is another area in which we are, unfortunately, becoming increasingly reliant on foreign imports. Because natural gas is clean burning and relatively cheap, it has been the fuel of choice for new electric power generation in recent years. Sixty percent of American homes are now heated and cooled with natural gas. But while that demand has been growing, domestic supply has remained essentially flat. In 2003, we imported 15 percent of the gas we used. By 2025, that number will nearly double.

We simply cannot continue on this path, and that is why we are bringing this bill to the floor next week. We need to take bold action in the Senate. It is what the American people expect; it is what they deserve. This is exactly what we will do. We will take that action in the Senate to address these energy challenges head on.

The bill that was reported out of the Energy Committee last month was done so on a bipartisan basis, and it is a step in the right direction. It likely will be amended and improved on the floor of the Senate next week. I, again, thank Chairman DOMENICI and Senator BINGAMAN for their tremendous work and for the cooperative spirit with which they approached these issues. I hope that same bipartisan spirit will prevail on the floor and that we can get this important legislation to the President as quickly as possible.

Several of us had the opportunity to meet with the President yesterday, and this was at the very top of his list of issues that he expects us to address. Our goal is to get that legislation to his desk for his signature as soon as we possibly can.

America needs a policy that keeps our families safe, strong, and secure, a policy that keeps America moving forward.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. MARTINEZ). Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

EXECUTIVE SESSION

NOMINATION OF WILLIAM H. PRYOR, JR., TO BE UNITED STATES CIRCUIT JUDGE FOR THE ELEVENTH CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume consideration of Calendar No. 100, which the clerk will report.

The assistant legislative clerk read the nomination of William H. Pryor, Jr., of Alabama, to be United States Circuit Judge for the Eleventh Circuit.

The PRESIDING OFFICER. Under the previous order, the time from now until 10:30 shall be under the control of the majority leader or his designee.

The Senator from Alabama is now recognized.

Mr. SESSIONS. Mr. President, I am delighted to be able to speak on behalf of William Pryor—Judge William Pryor now—for the position of U.S. Circuit Judge for the Eleventh Circuit Court of Appeals. He is an extraordinary individual, a wonderful human being, a brilliant lawyer, a man of the highest integrity, who has won the respect and support and confidence of the people of Alabama to an extraordinary degree. Democrats, Republicans, African Americans—the whole State of Alabama knows and respects him for the courage and integrity and commitment he brings to public service.

He was appointed attorney general to fill my seat after I was elected to the Senate, and he has done a superb job as attorney general. President Bush gave him a recess appointment to the Eleventh Circuit Court of Appeals after his nomination had been blocked here now for over 2 years. So it has been a burden for me to feel the frustration that I know he and his family must endure as a result of the uncertainty of his nomination process. I could not be more pleased that he was one of the nominees who was agreed upon to get a cloture vote, a successful cloture vote and an up-or-down vote here in the Senate. That is a good decision by the 14 Senators who reached a consensus on how they would approach this process of confirmations. I could not be more pleased and proud that Judge Bill Pryor was part of the group that was agreed upon by those Members of the Senate to get an up-or-down vote.

Bill Pryor is the kind of judge America ought to have. He grew up in Mobile, AL, my hometown. He was educated in the Catholic school system. His father was a band director at McGill-Toolen High School, a venerable, large Catholic high school there. His mother taught in African-American schools. He went to law school at Tulane University where he graduated with honors, magna cum laude. He was editor-in-chief of the Tulane Law Review. I know the Presiding Officer, the Senator from Florida, is a lawyer and understands that editor-in-chief of the Law Review is the highest honor a graduating senior can have. To be selected as that in a fine law school such as Tulane is a great achievement.

After he left law school, he clerked for Circuit Judge John Minor Wisdom, a well-known champion of civil rights in the Federal court system—at that time in the old Fifth Circuit. Now it has been divided to become the Eleventh Circuit. Judge John Minor Wisdom was a circuit court judge in the 1950s and 1960s when much of segregation was brought to an end by Federal court action. Bill Pryor was positively impacted by his experiences, working with Judge Wisdom, and is a passionate believer in equal rights and equal justice, and he has a record to demonstrate that commitment.

He practiced law with one of Alabama's fine law firms before becoming assistant attorney general when I was elected attorney general. He handled the constitutional issues in our office. He was smart, hard working, courageous, intelligent, fair and, more than anybody I know in the legal business today, was committed to the rule of law, to doing the right thing. That is his very nature. That is the way he was raised. That is what he believes in and he will stand in there and do the right thing, no matter what others might say, time and time again. His record demonstrates his overriding belief that the law is preeminent and it should be obeyed, even if he might disagree and would like to see it different. I want to show some of the things that demonstrate that.

I say this because it was alleged when his nomination came up that somehow he had strongly held beliefs, or deeply held beliefs, and those deeply held beliefs were so powerful that, yes, he might be smart, he might be a good lawyer, he might be an honest man and all of these things people said he was, but because he had strongly held beliefs and believed something and had some convictions and had some moral principles, that somehow that couldn't be trusted. Maybe he wasn't smooth enough. Maybe his beliefs were so strong this would manipulate or cause him to manipulate the law and not be a fair adjudicator of the law.

I will share some thoughts about that because I think what that overlooks is his fundamental belief and great strength as a judge and a lawyer, which is his belief in the law and the primacy of the law. He understands, fundamentally, the greatness of our country, more than most people realize, is founded upon our commitment to law. We were given a great heritage from England. We have built upon that legal heritage. As I age and see the world, I know this legal system is what makes our country great. A person can go into any court, a company can invest in any State, and expect in this country they will get a fair day in court. You don't have to bribe the judge; you don't have to bribe the jury. You can expect a fair, just result, day in, day out, and it occurs in our courtrooms all over America. It is a heritage of unparalleled

value and we must uphold that heritage. We must adhere to the ideal that law can be ascertained by a good judge and enforced consistently when litigants come before that judge. That is what we pay judges to do.

I want to say the first and foremost legal principle of Judge William Pryor is that a judge should follow the law, and he has a record to demonstrate it, even when it disagrees with his personal views.

First, on the issue of abortion, Judge Pryor has made clear he personally does not believe in abortion. He does not believe it is right. He believes it is wrong. It is not just because he is a Catholic, it is not just that his views are consistent with the Pope's or the Catholic Church of which he is a part, or many other churches and leaders in our country, but he has thought about this issue personally and deeply. He has given it serious consideration. He has made a judgment that, in his view, life and freedom and liberty in our country are diminished if the unborn are not given protection. That is a legitimate position in America, held by tens of millions of people and many leaders in this country. Certainly no one can deny that. Certainly, because someone believes the pro-life way is the best way, they should not be disqualified from being a judge.

He has concluded Roe v. Wade was not a principled constitutional decision. Ruth Bader Ginsburg, the ACLU lawyer who President Clinton nominated to the Supreme Court of the United States, has also raised questions about the constitutional integrity of Roe v. Wade. That is his view about it.

What does that mean, though, when it comes to court? Someone's personal views on those matters obviously cannot be the test of whether a person will go on the bench. Personal views are not the answer here. We cannot look at someone's religious faith or their personal views and say: I disagree with your religious values here, I disagree with your theology there, therefore you cannot be a judge in the United States of America.

Are we going to ask Muslim nominees to reject their faith before we allow them to be confirmed, or some other religious entity with views different than I may have or someone else may have? Of course not. That cannot be. The test for nominees always must be: Do they respect the law and will they follow it?

Judge Pryor's record shows he will. In August of 1997, not long after I had been elected to the Senate and he had become attorney general, Alabama passed a partial-birth abortion ban to ban partial-birth abortion—a particularly heinous act, in my view, there is strong feeling that this is not a good and decent procedure and that it ought to be eliminated.

Judge Pryor certainly opposes partial-birth abortion. But as attorney general he exercised his supervisory power over the district attorneys of the State of Alabama, as given to him as attorney general, and on his own initiative—nobody made him do this—he wrote the district attorneys in Alabama a letter and he instructed them—gave them instructions—to utilize only a restrictive interpretation of that statute, because he concluded that portions of the statute were overbroad and unconstitutional. The pro-life forces in Alabama were angry with this pro-life attorney general because he had followed the law. He had restricted by his opinion the breadth of that statute; one even said he gutted the statute. But he did the right thing in 1997, long before he was ever considered for a Federal judgeship.

Three years later, the Supreme Court, in the Stenberg case, struck down further the partial-birth abortion statutes of many States. Judge Pryor, then-attorney general, wrote the district attorneys another letter and told them the statute banning partial-birth abortions in Alabama was unconstitutional. He did not have to do that. He believed personally that abortion was wrong. He believed that partial-birth abortion was certainly wrong. But he wrote them a letter and told them not to even attempt to enforce the Alabama statute, because it had been held unconstitutional by the Supreme Court of the United States.

I don't know that attorneys general do that often. They do not have to do that. They can let the district attorneys make their own decision. But he felt that was the right thing to do and he did so. In his letter he said: ''You are obligated to obey Stenberg.'' That is a clear directive to them.

When there were threats on abortion clinics, Judge Pryor held a high-profile press conference in the State warning of prosecutions for those who participated in those attacks. He said those attacks on abortion clinics—although he certainly did not favor abortion clinics—were ''despicable crimes'' against our fellow citizens that would not be tolerated and that he would prosecute people who did so.

There are some who said his views on church and state are incorrect. I will dispute that. I will show he has been courageous in following the law of the United States in this area, as well.

Former Gov. Fob James of Alabama, a strict constructionist, conservative, and independent Governor if there ever was one—and he appointed Judge Pryor to be the attorney general—wanted Judge Pryor to defend prayer in schools. He thought that schools had a right to have prayer. He wanted his attorney general, whom he just appointed, to defend it and go to court and to argue in court that the First Amendment says ''Congress shall make no laws respecting the establishment of a religion or prohibiting the free exercise thereof.'' In Governor James's view, that meant Congress could not pass any such laws, but the State of Alabama could and that the Constitution did not apply to the State of Alabama with regard to those rights under the First Amendment. Many have tried to make that argument, but the Supreme Court has held otherwise.

Though Judge Pryor had just been appointed attorney general by Governor James, he had the courage and followed his duty and just said no to the Governor. He told the Governor he could not argue that the Establishment Clause did not apply to the States, because the Supreme Court had already held that it did. The Governor then had to hire his own lawyer to promote his idea of the First Amendment.

In Attorney General Pryor's brief to the Federal court, he wrote, correctly, that as attorney general, he spoke for the State of Alabama and not Governor James who had just appointed him. Judge Pryor followed the rule of law again when Judge Roy Moore asked him to make certain arguments in defense of the Ten Commandments statue that Judge Moore had placed in the Alabama Supreme Court building. Attorney General Pryor considered the request and refused to make those arguments. He did not believe they were consistent with Supreme Court precedent and did not believe that the attorney general for the State of Alabama ought to make arguments that the Supreme Court had already rejected.

When Judge Moore ultimately refused to remove that statue of the Ten Commandments, as ordered by a Federal judge, Attorney General Pryor was responsible for prosecuting Judge Moore before the Judicial Inquiry Commission. It was his duty as attorney general under the law to prosecute and present that case. He did so with fidelity to duty and effectiveness. The Commission made a decision and removed Chief Justice Moore duly elected by the people of the State of Alabama from office as chief justice.

They said he is some sort of religious extremist. It is just not so. He is committed, as you can see, to what the law says. In fact, after this controversy over the prayer in schools with the Governor, Attorney General Pryor felt it was his duty to clarify for school boards and school principals all over the State what the law actually was, so he wrote them a letter defining what could be done with student-led prayers in school and what could not be done and what had been held unconstitutional by the Supreme Court.

The Atlanta Journal-Constitution, a liberal newspaper in Atlanta, praised him for his letter and his definition of the appropriate and inappropriate expressions of religious faith in schools. And, in fact, the Clinton administration not long thereafter issued their own guidelines for schools incorporating much of what Attorney General Pryor had put in his letter.

Some have said, in attacking him, that he does not believe in racial equality; that he does not believe in voting rights; and that he is out of the mainstream with regard to those issues in

the State. Nothing could be further from the truth. For example, on the 40th anniversary of former Gov. George Wallace's infamous speech in which he said, on his inauguration, ''segregation today, segregation tomorrow, segregation forever,'' Bill Pryor was inaugurated as attorney general. He won by 60 percent of the vote. In his inaugural speech he changed those famous words to his own philosophy. This is how he began his inaugural speech: ''Equal justice under the law today, equal justice under the law tomorrow, equal justice under the law forever.'' That is his view. That is his belief. That is who he is. It is absolutely unfair, wrong, and even worse, really, to suggest otherwise.

One of the things that was an issue in the State raised by a State representative, an African American, Alvin Holmes, was that Alabama's Constitution still had language in it that banned interracial marriage, an old segregationist provision. It was unconstitutional, could not be enforced, but the words were still in that constitution. Mr. Holmes believed it ought to be taken out.

Attorney General Bill Pryor agreed with him. He did not think that was right. He thought that was a blot and a stain on Alabama's Constitution and it ought to be removed. He took action to do so. He mentioned it in his inaugural address as one of his priorities, and he led the fight to remove it from Alabama's Constitution. That has resulted in the steadfast support for his confirmation by State representative Alvin Holmes, who said more than any other person—White officeholder in the State—Judge Pryor stood up to remove this stain from our constitution.

He said: ''I'll call anybody you want me to. I'll come to Washington to speak on his behalf. This is a good man.'' Alvin Holmes was arrested during the civil rights marches for standing up for freedom. No one in the State of Alabama will deny that he does not believe in equal justice and civil rights and in progress for African-American citizens.

I have another example of Bill Pryor's fairness in handling issues before the State. Republicans challenged a State redistricting plan which, in fact, is quite favorable to the Democrats. It was a gerrymandered plan that favored the Democrats. For example, five out of the seven Congressmen in Alabama are Republican. The Governor and both Senators are Republicans. But only a third of the legislature are Republicans. Part of that is the way they drew the lines. Republicans were not happy with it. They challenged it on a number of grounds. But Bill Pryor who is the attorney general for the State of Alabama. He is the lawyer for the State of Alabama. He is a Republican. He felt it was his responsibility to defend the duly enacted laws of the State legislature. He represents the State. The State passed the redistricting plan. It was his responsibility to defend it. He did not make some of his friends, and some of my friends, happy. They did not like that.

He defended it on a number of grounds. One was a technical procedural basis of standing. He said the plaintiffs did not have standing. They went to the Eleventh Circuit Court of Appeals, on which he now sits as a result of an interim recess appointment, and they ruled against him. So the Republicans said: Boy, this is over now. We will win this thing. He said: No, the court of appeals made an error. I believe that you do not have standing to bring this suit. I believe your appeal is not, therefore, well taken. I believe I have a duty as attorney general to defend the duly enacted laws of the State of Alabama.

He appealed to the U.S. Supreme Court and won in the U.S. Supreme Court defending a legislative reapportionment plan that clearly favored Democrats and African Americans. They appreciated that. They knew he was a man of principle and integrity and decency. They have appreciated those kind of acts they have seen him carry out.

He has taken a strong lead on rights for women as well as minorities. While he has been attacked in the Senate for an argument he made regarding a technical flaw that was in the Violence Against Women Act passed by this Congress, his true record on women's issues is reflected in his history of fighting to protect women from domestic abuse.

He is a supporter of Alabama's Penelope House and participates in their yearly luncheon where they recognize the importance of partnering with law enforcement to eradicate domestic abuse. He testified before Congress in 2003, stressing the importance of the Violence Against Women Act. He championed a bill in Alabama to increase the penalties for repeat violations of protection from abuse orders by judges for ordering people to cease abusing their spouses. This is the true record of Bill Pryor. He has been a leader in the fight against domestic abuse throughout the State. He has incredibly strong support by all the women's groups who advocate that, including Judge Sue Bell Cobb on the Alabama Court of Criminal Appeals, who is a Democrat and who has fought for these women's issues for years.

What about other people in the State? How do they think of him? Judge Pryor has won the support of people such as Joe Reed, probably the most powerful political person in the State who is an African American. He is on the Democratic National Committee. He chairs the Alabama Democratic Conference. He strongly supports Judge Pryor.

Another Pryor supporter is Congressman ARTUR DAVIS, an African-American Congressman and Harvard Law School graduate. Alvin Holmes, I mentioned earlier, is one of the most outspoken African-American leaders in the legislature. Yesterday, I had him in my office, an African-American State senator who has been in the Senate for many years. I said: ''Senator, do you know an African American—I asked him, did he know of a single elected public official in the State who was opposed to Judge Pryor for this appointment?'' He said: ''No, I don't know of a single one. They know he has given them a fair shake, sometimes even to the point of taking serious criticism for it. He has been courageous and steadfast in standing up for equal justice under the law, which is his guiding principle as a judge and as attorney general.''

There is almost, in fact, universal support for Judge Pryor. Former Democratic Governor Don Siegelman, Jerry Beasley, the State's top trial lawyer, one of the top trial lawyer Democrats in America, and virtually every newspaper in the State supports Judge Pryor. The very liberal Anniston Star newspaper, which supports the filibuster of judges here by Democrats, a fine newspaper, but they have been very much a Democratic newspaper—they have supported the filibustering of judges, which I certainly do not agree with—but they support Judge Pryor. They say he ought to be confirmed. ''He is the kind of person we ought to have on the bench,'' the Anniston Star said. They know his record of independence and courage. They know he is the kind of person we need on the bench.

So in closing, I want to say that I believe Judge Pryor has demonstrated time and again the kind of courage and commitment to principle that are the very values we need judges to possess. We do not want people on the bench who do not have any beliefs. We do not want people who do not have any values.

As LAMAR ALEXANDER, our colleague, once said, ''Judge Pryor has shown courage in a Southern State unlike anyone he has ever seen before.'' He said it has almost looked like political suicide, some of the things he has done. But regardless of the cost, he has always done the right thing. That is what makes him an ideal candidate for the Eleventh Circuit.

He is brilliant. He loves the law. He studies it. He cares about it. He wants to see it be better and better and better. He will give his life to that, and you can take it to the bank. He will treat everybody before him fairly.

I thank the Chair, yield the floor, and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. ENSIGN). Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I thought it would be important to share

in more detail some of the broad bipartisan support that exists in the State of Alabama by those who know Judge Pryor. These are Democratic leaders, people who are African Americans, who have been involved in the State for many years, who are sensitive to good judgment and good leadership. I want to share some of the comments some of these people have written on behalf of Judge Pryor.

First, Congressman ARTUR DAVIS of the 7th Congressional District wrote this letter. Congressman DAVIS is a Harvard Law graduate and a very fine young Congressman. He said this:

I understand that the President may be considering Attorney General Bill Pryor for a seat on the Eleventh Circuit. I have the utmost respect for my friend Attorney General Pryor and I believe if he is selected, Alabama will be proud of his service.

Alabama House of Representatives member Alvin Holmes wrote this:

As one of the key civil rights leaders in Alabama who has participated in basically every major civil rights demonstration in America, who has been arrested for civil rights causes on many occasions, as one who was a field staff member of Dr. Martin Luther King's SCLC [Southern Christian Leadership Conference], as one who has been brutally beaten by vicious police officers for participating in civil rights marches and demonstrations, as one who has had crosses burned in his front yard by the KKK and other hate groups, as one who has lived under constant threats day in and day out because of his stand fighting for the rights of blacks and other minorities, I request your swift confirmation of Bill Pryor to the 11th Circuit because of his constant efforts to help the causes of blacks in Alabama.

Is that a credible voice? I submit to you it is.

The Honorable Sue Bell Cobb, a judge on the Alabama Court of Criminal Appeals for quite a number of years, who has been involved in the Children's First Program in Alabama, who has been involved in women's issues in Alabama over a number of years, and who has had occasion to work with Attorney General Bill Pryor, wrote this:

I write, not only as the only statewide Democrat to be elected in 2000, not only as a member of the Court which reviews the greatest portion of General Pryor's work, but also as a child advocate who has labored shoulder to shoulder with General Pryor in the political arena on behalf of Alabama's children. . . . Bill Pryor is an outstanding attorney general and is one of the most righteous elected officials in this state. He possesses two of the most important attributes of a judge: unquestionable integrity and a strong internal moral compass. . . .

High praise, I submit. She goes on:

Bill Pryor is exceedingly bright, a lawyer's lawyer. He is as dedicated to the ''Rule of Law'' as anyone I know. I have never known another attorney general'' I guess that includes this one standing before you ''who loved being the 'people's lawyer' more than Bill Pryor. Though we may disagree on an issue, I am always confident that the position is a product of complete intellectual honesty. He loves the mental challenge presented by a complex case, yet he never fails to remember that each case impacts people's lives.

I share with you another statement by Joe Reed, an African American, a leader in the State for 30 or more years, probably the preeminent African-American leader in the State over the last 35 years. He chairs the Alabama Democratic Conference. He is a member of the Democratic National Committee. He is a vice chairman of the Alabama Education Association. Dr. Joe Reed has always understood the importance of Federal courts. He has understood that the civil rights and liberties of African-American citizens were enhanced and provided in large part by actions of Federal courts. There is no mistaking in his mind on this question. This is what he said:

[Attorney General Pryor] is a person, in my opinion, who will uphold the law without fear or favor. I believe all races and colors will get a fair shake when their cases come before him. As Attorney General for Alabama during the past six (6) years, he has been fair to all people. . . .For your information, I am a member of the Democratic National Committee and, of course, Mr. PRYOR is [a] Republican, but these are only party labels. I am persuaded that in Mr. PRYOR's eyes, Justice has only one label—justice!

Mr. President, those are just some of the comments we have received from prominent Alabama leaders of a different party, a different race, who care about justice in America, who have a record of fighting for it, and who believe Judge Pryor shares their values in that regard.

Mr. President, I thank the Presiding Officer and yield the floor. I see my colleague from Georgia has arrived. We appreciate and look forward to hearing from him.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, first, if the Senator from Alabama will remain for a minute, I took the occasion, last week or 2 weeks ago, to spend a rather extensive time on the floor, on 2 days, talking about Janice Rogers Brown of Alabama, whose appointment was confirmed by this Senate. I had the pleasure to meet Justice Brown and meant every word I said.

But I rise today to talk about Judge Pryor because of my tremendous personal admiration for a man whom I have not met but know so much about because of the way he has conducted himself as a human being and as an attorney general.

I know he succeeded the distinguished Senator from Alabama as attorney general; is that not correct?

Mr. SESSIONS. Correct.

Mr. ISAKSON. So he obviously had a good role model to follow. Senator SESSIONS' leadership, obviously, contributed greatly to Judge Pryor's distinguished service.

But the reason I rise on the floor of the Senate for a second and confirm the reason I am so positively going to cast my vote for his confirmation to the Eleventh Circuit is because he has a magna cum laude degree in law from Tulane University, but he has a master's degree in common sense. He has a Ph.D. in courage.

If you study Judge Pryor's record, over and over again, he continues to lead himself to decisions based on the fundamental principle, belief, that in all cases you do what is right.

I listened to nearly all of the speech of the distinguished Senator from Alabama. He recited so many examples of where a statement that Judge Pryor might have made in the past did not guide him to a decision when it differed with the law, that he always followed the law to its fullest extent, not to interpret it as he saw fit but to execute it as he knew it was intended.

I am not a lawyer. I am a real estate guy and a politician. Obviously, we deal a lot in words but not nearly the discipline of the specifics of the law. I am a citizen of the United States, a father, and a businessman. I care deeply about the men and women who will sit on the bench of our highest courts. If we can have a man with common sense and a commitment to right and doing what is right, then we have provided a great service to the people.

I also rise as an extension of a great Georgian who has submitted a letter, on behalf of Judge Pryor, from which I would like to quote.

I also ask unanimous consent that the entire letter be printed in the RECORD.

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

DEPARTMENT OF LAW,
Atlanta, GA, March 31, 2003.

Hon. RICHARD SHELBY,
U.S. Senate, Hart Senate Office Building, Washington, DC.

Hon. JEFF SESSIONS,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATORS: I have had the great pleasure of knowing and working with Bill Pryor over the past five years. Through the National Association of Attorneys General, Bill and I have worked together on matters of mutual concern to Georgia and Alabama. During that time, Bill has distinguished himself time and again with the legal acumen that he brings to issues of national or regional concern as well as with his commitment to furthering the prospects of good and responsive government.

During his tenure as Attorney General, Bill has made combating white-collar crime and public corruption one of the centerpieces of his service to the people of Alabama. He joined the efforts of Attorneys General around the country in fighting the rising tide of identify theft, pushing through legislation in the Alabama legislature making identity theft a felony in Alabama. Bill has fought to keep law enforcement in Alabama armed with appropriate laws to protect Alabama's citizens, pushing for tough money laundering provisions and stiff penalties for trafficking in date rape drugs.

Time and again as Attorney General, Bill has taken on public corruption cases in Alabama, regardless of how well-connected the defendant may be, to ensure that the public trust is upheld and the public's confidence in government is well-founded. He has worked with industry groups and the Better Business Bureau to crack down on unscrupulous contractors who victimized many of Alabama's more vulnerable citizens.

From the time that he clerked with the late Judge Wisdom of the 5th Circuit to the

present, though, the most critical asset that Bill Pryor has brought to the practice of law is his zeal to do what he thinks is right. He has always done what he thought was best for the people of Alabama. Recognizing a wrong that had gone on far too long, he took the opportunity of his inaugural address to call on an end to the ban on inter-racial marriages in Alabama law. Concerned about at-risk kids in Alabama schools, he formed Mentor Alabama, a program designed to pair volunteer mentors with students who needed a role model and an attentive ear to the problems facing them on a daily basis.

These are just a few of the qualities that I believe will make Bill Pryor an excellent candidate for a slot on the 11th Circuit Court of Appeals. My only regret is that I will no longer have Bill as a fellow Attorney General fighting for what is right, but I know that his work on the bench will continue to serve as an example of how the public trust should be upheld.

Sincerely,

THURBERT E. BAKER.

Mr. ISAKSON. The attorney general of the State of Georgia is my dear friend, Thurbert Baker. He is a Democrat, an African American, and a close friend with whom I served in the Georgia House of Representatives. On March 31, 2003, Thurbert Baker wrote to Senator RICHARD SHELBY and Senator JEFF SESSIONS his personal feelings about the nomination of Judge Pryor. I want to read a few excerpts from that letter.

During his tenure as Attorney General, Bill has made combating white-collar crime and public corruption one of the centerpieces of his service to the people of Alabama. He joined the efforts of Attorneys General around the country in fighting the rising tide of identity theft, pushing through legislation in the Alabama legislature making identity theft a felony in Alabama. Bill has fought to keep law enforcement in Alabama armed with appropriate laws to protect Alabama's citizens, pushing for tough money laundering provisions and stiff penalties for trafficking and in date rape drugs.

The importance of that quote is how consistent that is with what our attorney general, Thurbert Baker, has done in Georgia; in particular, in his fights on white-collar crime, on trafficking, on drugs, and his confirmation of Judge Pryor's commitment to the same.

I continue to quote:

Time and again as Attorney General, Bill has taken on public corruption cases in Alabama, regardless of how well-connected the defendant may be, to ensure that the public trust is upheld and the public's confidence in government is well-founded. He has worked with industry groups and the Better Business Bureau to crack down on unscrupulous contractors who victimized many of Alabama's more vulnerable citizens.

The operative words in that quote refer to the courage I mentioned earlier; Judge Pryor, as attorney general, courageously and without fear took on anyone, regardless of stature and political standing, in order to see to it the people of Alabama were protected, their rights were protected and right itself was done and any wrong, regardless of the perpetrator, was prosecuted.

I continue to quote:

From the time he clerked with the late Judge Wisdom of the 5th Circuit to the present, though, the most critical asset that Bill Pryor has brought to the practice of law is his zeal to do what [is the right thing to do]. He has always done what he thought was best for the people of Alabama. Recognizing a wrong that has gone too far [and too long], he took the opportunity in his inaugural address to call on an end to the ban on interracial marriage in the State of Alabama. Concerned about at-risk kids in schools, he formed Mentor Alabama, a program designed to pair volunteer mentors with students who needed a role model and an attentive ear to the problems facing them on a daily basis.

As a member of the legislature in Georgia, one who worked on kids' programs, I know so much about the value of mentoring and the programs established such as Mentor Alabama that fundamentally change lives. For a man whose job it is to prosecute the law on behalf of the people of Alabama, to illustrate his desire for the future by, at the same time, developing a mentoring program so that the youth of Alabama would go on the right track in life—not the wrong—shows his absolute commitment to right, his absolute commitment to his fellow man, his absolute commitment to those who have been less fortunate.

I close with one last quote from this letter:

My only regret is that I will no longer have Bill as a fellow Attorney General, fighting for what is right, but I know that his work on the bench will continue to serve as an example of how the public trust should be upheld.

Bill Pryor has been waiting for this day for some time. I am grateful to Senators who allowed the cloture vote to take place and voted in favor of giving a chance for Judge Pryor to receive an up-or-down vote on his confirmation to his nomination to the Eleventh Circuit Court of Appeals. I am confident that later today when we cast our vote—and I will cast mine in favor of Judge Pryor—the majority of this Senate will confirm a man whose record is impeccable, whose commitment is to doing what is right, whose belief is in the people of this country, in the fundamental foundations of the law and its strict interpretation and application. I commend to all Members of the Senate Judge Bill Pryor of Alabama for his confirmation.

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. DOMENICI. 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. DOMENICI. Mr. President, is the Senate in morning business?

The PRESIDING OFFICER. The Senate is on the nomination of William Pryor. The majority controls the time until 11:30 a.m.

Mr. DOMENICI. Mr. President, I yield myself 5 minutes.

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

Mr. DOMENICI. Mr. President, I rise today to address the nomination of William H. Pryor, Jr., to be a U.S. circuit judge for the Eleventh Circuit.

Many of my colleagues know that I am Catholic by religion and belief. As such, I have watched the debate over Judge Pryor, an acknowledged devout Catholic, with much interest.

I start by saying, and I want to be very clear about this point, that I do not believe any of my colleagues are anti-Catholic. However, I am becoming increasingly concerned about the apparent creation of some kind of religious litmus test for nominees. I would like to provide a sample of some of the questions posed to Judge Pryor during his confirmation process that I think justify my concern that a nominee's religion is becoming some kind of a central part of the confirmation process.

It concerns me when, in the Judiciary Committee, statements such as these are made:

Judge Pryor's beliefs are so well known, so deeply held, that it is very hard to believe, very hard to believe, that they are not going to deeply influence the way he comes about saying, "I will follow the law."

Another:

I think the very legitimate issue in question with your nomination is whether you have an agenda, that many of the positions which you have taken reflect not just an advocacy but a very deeply held view and a philosophy.

Third:

Virtually in every area you have extraordinarily strong views which continue and come out in a number of different ways. Your comments about Roe make one believe, could he really, suddenly, move away from those comments and be a judge?

It concerns me that these questions continued despite the fact that Judge Pryor's record in Alabama as attorney general shows that he can and has separated his personal beliefs from his professional obligations.

As Alabama's attorney general, Judge Pryor argued that there should be no school-sponsored, government-sponsored religious activity, but genuinely student-initiated religious expression was protected by the First Amendment. I believe he expressly stated the view that the Supreme Court has held in that regard, regardless of his beliefs.

Second, he issued an opinion stating that Alabama's partial-birth abortion law was unconstitutional and could not be enforced. I believe he followed the law.

Third, he personally prosecuted charges against Alabama's Justice Moore for refusing to obey a court order to remove the Ten Commandments from a display in the Alabama State courthouse.

The quotes I have referenced and the fact that some Democrats have persisted with this line of questioning despite clear evidence that Judge Pryor is committed to both religious freedom and separation of church and state concern me not because I am accusing anyone on the other side of being anti-

Catholic or anti-religion; rather, statements such as these make me fear that we are creating some kind of a religious litmus test for nominees. A nominee's religious beliefs have no connection to fitness to serve on the Federal bench.

It seems to me that such questions suggest that anybody who is an Orthodox Jew, deep-seated Christian, Protestant, Muslim, or devout Catholic should be rigorously questioned about their religious beliefs. But I believe their beliefs should not in any way affect them becoming Federal judges. These type of questions effectively say to people in the United States: Perhaps if you have deeply held religious beliefs, you cannot serve on the Supreme Court, you cannot serve in the Federal judiciary.

I believe we should rid the record of any such inferences, and I am just trying to do that today.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DOMENICI. I ask for 1 additional minute.

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

Mr. DOMENICI. Mr. President, this is an alarming prospect. The Senate should consider the nominee on his professional record, not on his personal beliefs. I believe this distinguished nominee should be confirmed.

I yield the floor. I thank the Senate for listening.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER (Mr. SESSIONS). Without objection, it is so ordered.

Mr. GREGG. Mr. President, what is the regular order?

The PRESIDING OFFICER. The minority controls the time until noon, but the Senator may be recognized.

Mr. GREGG. I ask unanimous consent that I be allowed to speak as in morning business for 10 minutes, and if some member of the minority appears I will be happy to yield to allow them to proceed under their time.

The PRESIDING OFFICER (Mr. ENSIGN). Without objection, it is so ordered. The Senator is recognized.

(The remarks of Mr. GREGG and Mr. SESSIONS are printed in today's RECORD under ''Morning Business.'')

Mr. GREGG. I thank the Senator from Alabama. I obviously enjoy working with him because he is a voice of reason around here.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SESSIONS. Mr. President, what is the order of business?

The PRESIDING OFFICER. The minority controls the time until noon.

Mr. SESSIONS. Mr. President, it is a few minutes to 12. I ask unanimous consent that I be able to speak in morning business. If any of my colleagues from the other side come to the floor, I will be pleased to yield to them.

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

Mr. SESSIONS. Mr. President, we have spent over 2 years on the Bill Pryor nomination for the Eleventh Circuit Court of Appeals. He is an extraordinary man and an extraordinary jurist, now that he is holding that seat as a recess appointment. But a number of allegations have been made against him that I think caused some in this body to form an impression of him early on that was not correct.

One of the most prominent was an allegation that he was insensitive to the disabled. People For the American Way, who issued their attack sheet report—and I hope our colleagues will begin to look far more critically at their work than they have in the past—stated it this way:

> Of particular concern are Pryor's views on the limits on Congress' authority to enact laws protecting individual and other rights, and how he would seek to implement those laws if confirmed. Pryor is one of the architects of this movement and has been a leading activist in these damaging efforts. He personally has been involved in key Supreme Court cases that, by narrow 5 to 4 majorities, have hobbled Congress's ability to protect Americans' rights against discrimination and injury based on disability, race, or age.

That is part of their report and part of their complaint. At the time he was originally nominated, a number of people from the disabled community were told Judge Pryor is against them and that they should come. They came and spoke out against him. But truly I do not think they understood what the complaint was all about.

Let me share with you what happened. One of the State universities in Alabama was involved in a lawsuit about disability rights. The case was University of Alabama at Birmingham v. Garrett. It goes up for litigation. The Attorney General of the State of Alabama was Bill Pryor. It is his duty as a lawyer to defend his client. As an entity of the State, the university is a client of the State of Alabama, so he did so. One of the defenses he raised, and raised brilliantly, dealt with this act, the ADA. Only 3 percent of the people in Alabama work for the State of Alabama. So the defense he raised impacted only State employees, that is 3 percent of the people, although repeatedly announcements were made that he was gutting the ADA. That is the first point.

Second, what the attorney general of Alabama argued was that, yes, if a person were to be dismissed or otherwise not handled fairly as a result of a disability, they could sue the State under the Americans with Disabilities Act, they could get an injunction, a court order to ensure that they were treated fairly by the State of Alabama, they could get back wages if they had been terminated—but that provision of the act that allowed individuals to sue for money damages against corporations—and 97 percent of the people work for private employers and corporations and not State governments—that provision could not be enforceable because a State has sovereign immunity protection against suits for money damages. States can only be sued on grounds that they agree to be sued on, because the power to sue is the power to destroy. That is constitutional history. And States do not allow themselves to be sued except under certain circumstances, and he argued that the Congress could not abrogate that historic constitutional principle of sovereign immunity by passing a statute—without giving any thought to the issue. Anyway, they passed it focusing mainly on private employers, not States. He appealed that to the U.S. Supreme Court and won the case in the U.S. Supreme Court.

Now they say what he was doing was an indication that he is insensitive to people who are disabled. I raise that issue because it is not fair to him, and it demeans our entire process.

I see the Senator from Tennessee is in the Senate, Senator ALEXANDER. I know he is interested in this nomination. I am pleased to yield to the Senator from Tennessee.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Senator from Alabama. I am delighted to have a chance to join him in support of Judge Pryor. I will take a few minutes on that, and when I finish, I will ask unanimous consent to speak for up to 5 minutes as in morning business on another matter.

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

Mr. ALEXANDER. Mr. President, none of us, if we end up in court, want to go before a judge who has already decided the case before we get there. There is an old story from the Tennessee mountains about the lawyers who showed up in court and the judge says: ''Fellas, this shouldn't take long. I had a phone call last night, and I know most of the facts. Just give me a little bit on the law.'' I don't think those litigants felt very good about their appearance before that judge.

We do not want judges who decide the case before they hear the argument, either because they got a phone call the night before or because they bring some personal or political agenda to the case. We want judges who are fair. We want judges who are independent. We want judges who are intelligent, who have good character, who

know the law, and who are willing to apply it in a fearless way.

As Governor of Tennessee, I appointed about 50 judges. I appointed men and women, Democrats and Republicans. I appointed the first African-American Supreme Court justice, the first African-American chancellor in our State who happened to be a Democrat. I never asked how they felt about abortion. I never asked them how they were going to decide cases. I tried to assess their reputation for intelligence and fairness, their demeanor, and whether they would treat those who appeared before them with respect. That turned out to be a pretty good formula.

If we are looking for a member of the U.S. appellate court who has demonstrated before he takes the bench that he can make decisions independent of his personal views, then Judge William Pryor ought to be exhibit A, No. 1. As has been pointed out many times, Judge Pryor has been very honest with the committee and all who question him. He is pro-life. He opposes partial-birth abortion. But as attorney general of Alabama in August of 1997, on his own initiative, he wrote the district attorneys general of Alabama and instructed them to use a restrictive interpretation of the partial-birth abortion bill in Alabama, gutting the statute, some said, in Alabama. Three years later, General Pryor, after further Supreme Court cases, wrote the Alabama district attorneys telling them that the Alabama partial-birth abortion law was unconstitutional. He was pro-life, but the law said it was unconstitutional. He followed the law.

When there were threats of attacks against abortion clinics in Alabama, the attorney general could have waited for something to happen. He did not. He held high-profile press conferences to condemn what he called ''despicable acts.'' He warned there would be prosecutions if those acts actually occurred.

William Pryor told the committee he is a religious man. He, obviously, is a deeply religious person. But he told the Governor, who had just appointed him attorney general of Alabama, to get himself another lawyer when the Governor wanted him to argue a prayer-in-the-schools case that General Pryor thought compelled him to take a position contrary to the U.S. Supreme Court's interpretation of the Constitution.

He prosecuted the chief justice of the Alabama Supreme Court for his refusal to take actions to remove the Ten Commandments, not because he does not believe in the Ten Commandments, which he does, but because he believes in the law, and his job was to enforce the law.

He has proven his sensitivity toward civil rights, which for those who have grown up in the South is even more important. In his inaugural address, he pledged to remove the ban on interracial marriage and led the fight to pass a constitutional amendment to do it. One might say, Of course he should have done that. Well, go down to Alabama and make that your first announcement in a new public position at that time in our Nation's history. It took courage and it took principle to do it. He did it.

He is a Republican, but he appealed the Alabama reapportionment plan to the U.S. Supreme Court, to the dismay of the Republican Party, and he won it for the Democrat Party.

It is fair to say that Judge William Pryor has compiled for himself at a relatively young age a record that would make it virtually impossible for him to win a Republican primary in Alabama but a record that ought to make him a perfect candidate for the U.S. court of appeals.

Of course, there is always the question with these men and women who come before the Senate of whether they are qualified. We can look at the facts. William Pryor is a magna cum laude graduate of Tulane law school, one of the great law schools of our country. He was editor and chief of the Tulane Law Journal.

My favorite example of his competence is that he was a law clerk to the Honorable John Minor Wisdom, perhaps the greatest appellate court judge of the last 50 years, whose 100th birthday would have been May 21. I know about his birthday because I knew the judge very well. I was his law clerk, too. I hasten to add that I didn't quite qualify to be a law clerk in 1965 and 1966. He already had a smart graduate from Harvard. But he said: I need two, and I will hire you as a messenger. If you work for $300 a month, I will treat you like a law clerk.

Judge Wisdom is the one who ordered James Meredith to be admitted to Ole Miss, and he, with Judge Tuttle and Judge Rives, presided other desegregation of the South. He hired as his law clerks some of the most distinguished men and women now in the private practice of law anywhere in the America. I know many of them.

Judge Pryor was in New Orleans on May 21 to celebrate Judge Wisdom's 100th birthday, along with about 40 other law clerks, even though Judge Wisdom himself is not still living. I know the respect Judge Wisdom had for Judge Pryor's competence. He has demonstrated his independence, he has demonstrated his intelligence, and he has demonstrated he will be an extraordinary judge.

I was disappointed at what I heard when the Presiding Officer and I came to the Senate a little over 2½ years ago. I was preparing to make my maiden address on American history and civics, and we found ourselves in this terrible debate about Miguel Estrada. I was astonished by it, to tell the truth. I found myself feeling the same way about discussions of Judge Pickering in Mississippi, a man whose reputation I knew. When I studied that reputation, I found a man out front in the civil rights debate of the 1960s and 1970s, putting his children in public schools in Mississippi in the 1960s when everyone else was sending them to what they called segregation academies, and testifying against the grand wizard of the Ku Klux Klan in the mid-1960s when that was a dangerous thing to do.

I heard some of my colleagues questioning his commitment to civil rights. Where were they in 1965, 1966, and 1967? What was going on?

I was very disappointed when I heard these comments about Judge Pickering. And he withdrew. I heard the comments about Miguel Estrada, a tremendous American success story. And he withdrew. So I pledged, then and there, I would never filibuster any President's judicial nominee, period. I might vote against them, but I will always see they came to a vote.

I am glad to see—and the Presiding Officer had something to do with it—that the logjam has been broken. Maybe we can get back to business as usual in the Senate where the President, after consulting with us, sends us good nominees, we look them over and take as long as we want to talk about them, and then we vote on them. I am glad we have a chance to vote on Judge Pryor.

We do not want judges whose views are decided by a political agenda or by a phone call that comes in the night before. Judge Wisdom had absolute confidence in William Pryor when he appointed him as his law clerk. He was proud of his service as attorney general of Alabama. He is not here today to say what he thinks of him, but I am glad that I am here today to say I will be proud to cast my vote for William Pryor for U.S. circuit judge.

Mr. President, I received permission to speak on another subject as if in morning business, and I would like to proceed to that.

(The remarks of Mr. ALEXANDER pertaining to the introduction of S. 1208 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. ALEXANDER. Mr. President, I thank the Senator from Alabama for his time, and I join him in my enthusiasm for the nominee for the U.S. court of appeals from his home State, William Pryor.

Mr. SESSIONS. Mr. President, I thank the Senator from Tennessee for his very important remarks on the Pryor nomination. He is wise in analyzing the realities of being an attorney general in America and the difficult choices and political pressures that are on attorneys general.

He is absolutely correct that Attorney General Bill Pryor has demonstrated he has the courage to do the right thing regardless of short-term complaints that might arise. That is so fundamentally obvious to people who get a fair look at it and I am amazed it has not been clear to some of our colleagues.

I thank the Senator from Tennessee for sharing his thoughts.

Mr. President, I ask unanimous consent that the distinguished majority whip and I be allowed to engage in a colloquy.

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

Mr. MCCONNELL. Mr. President, I say to my friend from Alabama, I understand that Judge Pryor has been criticized because he has sincerely held beliefs against abortion and has also criticized the ruling in Roe v. Wade?

Mr. SESSIONS. That is correct. He answered questions about that, clearly and directly.

Mr. MCCONNELL. But it is also true, is it not, I say to my friend from Alabama, that Judge Pryor swore under oath—under oath—at his hearing that he would faithfully apply the law, and included in that, of course, is Supreme Court precedent?

Mr. SESSIONS. As a matter of fact, he was asked explicitly about that in the Judiciary hearings. I am a member of that committee, and the phrase he used, I say to you, Senator MCCONNELL, was ''Senator, you can take it to the bank.'' And he is the kind of man who, when he says it, he means it.

Mr. MCCONNELL. Well, he has had an opportunity to demonstrate that, has he not, I say to my friend from Alabama, with respect to the laws regulating abortion? He has been in a position to demonstrate that he is willing to set aside his personally held views and apply the law as it is, has he not?

Mr. SESSIONS. He really has. I think that is so important for us here as we consider a nominee. Surely, we can't vote for or against a nominee on whether they agree with us on any number of a host of moral and religious issues. But these are the facts on it. Although he is a pro-life individual—in 1997, Alabama banned partial-birth abortion by State statute. As attorney general, Judge Pryor was aware that parts of that statute had gone too far under the current state of the law, so he issued a letter, a directive, to the district attorneys throughout the State of Alabama telling them that they could only construe that statute narrowly because it would violate, otherwise, the Constitution as defined by the U.S. Supreme Court.

As a matter of fact, the ACLU praised him at that time in 1997 for his directive. And, as a matter of fact, one of the pro-life leaders said he gutted the statute.

Then, I say to you, Senator MCCONNELL, a few years later, in 2000, when the Supreme Court ruled on the Stenberg case, in which they really overruled many State statutes involving the partial-birth abortion law, Attorney General Pryor recognized and advised the district attorneys that statute was not sound and called on the State legislature to craft a statute consistent with the Supreme Court. And when he wrote the State officials, he said that they ''are obligated to obey [the Stenberg decision].''

Mr. MCCONNELL. The attorney general of Alabama is an elected position; is it not?

Mr. SESSIONS. It is an elected position.

Mr. MCCONNELL. So Judge Pryor did not have the protection of a lifetime appointment or even a lengthy term. Here is an official in Alabama basically telling a bunch of Alabama local officials they ought to comply with a Supreme Court decision that was overwhelmingly unpopular in Alabama; is that correct?

Mr. SESSIONS. That is exactly correct, I say to the Senator, absolutely correct. People in Alabama, I think as most Americans, believe that partial-birth abortion, at any rate, is a particularly gruesome procedure, and he had a lot of pressure on him to declare otherwise. In fact, he was criticized by friends who thought he had not been supportive of their view.

Mr. MCCONNELL. It would have been very politically convenient for him to do that; would it not?

Mr. SESSIONS. Absolutely. I think the point is that he understands the importance of adhering to the rule of law even though it may disagree with positions you feel strongly about.

Mr. MCCONNELL. With regard to his criticism of Roe v. Wade, I ask my friend from Alabama, is it not also the case that some very prominent liberals in this country, who probably no doubt liked the outcome of Roe v. Wade, were, nevertheless, highly critical of the Supreme Court's reasoning and rationale for issuing that particular judgment?

Mr. SESSIONS. That is correct.

Mr. MCCONNELL. So there is nothing particularly unusual or unique about a good lawyer, or certainly a lawyer in a prominent position like attorney general, at the time, Bill Pryor, critiquing the decision, wholly aside from what their personal views were, because a number of prominent liberals, I think, have done the same thing; have they not?

Mr. SESSIONS. That is exactly right. And the attorney general is an elected person in Alabama. He has a right to comment on decisions of the Supreme Court. I think attorneys general and lawyers and laymen all over the country do that on a daily basis. The question is, Will you follow it even if you do not agree?

Mr. MCCONNELL. In fact, Supreme Court Justice Ruth Bader Ginsburg criticized the Supreme Court's approach in the Roe case. I bet many of our colleagues would be surprised to learn that she described Roe as a ''breathtaking'' decision whose ''[h]eavy-handed judicial intervention was difficult to justify.'' That is Ruth Bader Ginsburg, who, no doubt, liked the outcome in Roe, but found the decision, as she put it, ''breathtaking'' and a ''[h]eavy-handed judicial intervention [that] was difficult to justify.''

So here was someone whose personal views were probably opposite of Judge Pryor's, but who reached the same conclusion as Judge Pryor did about the rationale for the decision, the basis of the decision.

Mr. SESSIONS. I think that is a very good point, I say to you, Senator MCCONNELL. I know that, for example, Justice Ginsburg was an ACLU, American Civil Liberties Union, lawyer. Yet she was troubled by the reasoning and rationale in some of the matters in Roe v. Wade. And she did not mince words about it in terms of the public policy result in Roe, nor did she condemn people who criticized Roe. She fully understood it was legitimate to discuss that important Supreme Court case. In fact, she wrote:

> I appreciate the intense divisions of opinion on the moral question and recognize that abortion today cannot fairly be described as nothing more than birth control delayed.

So I think she was expressing real sympathy and respect for those who may disagree with the decision, even as she expressed concern with the decision.

Mr. MCCONNELL. I ask my friend from Alabama if he is aware that liberal constitutional scholar and current Harvard law professor, Laurence Tribe—often quoted by Members on the other side as the authority on many issues of constitutional law—described Roe as a ''verbal smokescreen,'' and noted that ''the substantive judgment on which it rests is nowhere to be found.'' This is Laurence Tribe commenting on Roe v. Wade. Even though, no doubt, he likes the result of Roe v. Wade, he is nevertheless criticizing the rationale for it.

Mr. SESSIONS. Well, the Senator is exactly correct. Conservatives and liberals alike have raised questions about different aspects of Roe v. Wade. It is perfectly natural that they would do so, I think.

Mr. MCCONNELL. I believe liberal law professor Cass Sunstein from the University of Chicago—who was reported to have advised our Democratic colleagues on the need to ''change the ground rules'' on judicial nominations, which led us into the impasse we were in last Congress—noted that there are ''notorious difficulties'' with Roe v. Wade. Is my friend from Alabama familiar with that, as well?

Mr. SESSIONS. Yes, I am.

Mr. MCCONNELL. I could go on with a list of liberal scholars and commentators who criticized Roe very directly, but I think my friend from Alabama and I hope all of our colleagues get the drift.

I do have just one more question for the Senator from Alabama. Does he remember President Bush's nomination of Michael McConnell to the Tenth Circuit?

Mr. SESSIONS. Yes, I do. I believe he was confirmed by unanimous consent.

Mr. MCCONNELL. Unanimous consent. Out here on the Senate floor, passed on a voice vote.

Mr. SESSIONS. Yes.

Mr. MCCONNELL. Although I am not on the Judiciary Committee now, I was

at the time of the McConnell nomination. I recall that Judge McConnell was then a law professor who had criticized Roe frequently and at great length; is that correct?

Mr. SESSIONS. That is correct.

Mr. MCCONNELL. But just like Judge Pryor, he swore to uphold Supreme Court precedent; did he not?

Mr. SESSIONS. He did.

Mr. MCCONNELL. So I want to make sure I have this correct. Both Judge Pryor and Judge McConnell criticized Roe v. Wade, both swore under oath they would follow Supreme Court precedents, including those they may personally disagree with, but unlike Judge McConnell, who was a law professor at the time of his nomination and did not have the opportunity as an academic to enforce the law, Judge Pryor has been a public official who has had the chance, on repeated occasions, to put his money where his mouth was, and he has consistently followed the law?

Our Democratic colleagues confirmed Judge McConnell by unanimous consent but are vigorously objecting to Judge Pryor; is that the case?

Mr. SESSIONS. That is the case.

Mr. MCCONNELL. I am puzzled. On this record, our friends' objections to Judge Pryor seem inconsistent and arbitrary.

I thank the Senator from Alabama for his time and remind our colleagues that we have confirmed Democratic nominees who have had deep personal objections to Supreme Court precedent. I recall we confirmed Janet Reno 98 to 0, even though her personal views on the death penalty were at odds with Supreme Court precedent. We ought not have a double standard. We should applaud Judge Pryor for his forthrightness and his commitment to the rule of law, and we ought to confirm this distinguished nominee.

I also want to say to my friend from Alabama, I know he probably knows Judge Pryor better than anybody else in the Senate and has had a greater opportunity to evaluate his integrity, his intellect, and has really seen him in action. I think our colleagues ought to listen to the junior Senator from Alabama because he really knows Bill Pryor and can attest to the fact that Bill Pryor took actions much like Judge Pickering did in the 1960s, to which Senator ALEXANDER was referring, that took extraordinary courage given the climate of public opinion in the State of Alabama.

Mr. SESSIONS. I thank the Senator.

The PRESIDING OFFICER. The 30-minute segment has expired.

The Senator from Illinois.

Mr. DURBIN. Mr. President, today the Senate is considering the nomination of William Pryor for the U.S. Court of Appeals for the Eleventh Circuit. This is a nomination which I have considered many times in the Senate Judiciary Committee and outside the regular business of Congress. Senator JEFF SESSIONS and I occasionally get up early in the morning and go to the Senate gym. And on several occasions he has raised with me his heartfelt support for William Pryor. I have expressed to him my reservations and concerns about Mr. Pryor, and he has tried to assure me, in different ways, that the public image of this man is much different than who he really is. I struggle with this because I do count Senator SESSIONS as a friend despite our many political differences. I would like to give him the benefit of the doubt on this nominee who is so important to him personally.

Unfortunately, the debate that leads up to today's consideration on the floor has raised a myriad of questions that need to be resolved, questions which go to the heart of this nomination.

Mr. Pryor was recess-appointed by President Bush when both he and Judge Pickering of Mississippi were not approved by the Senate. It was historic. It was a decision by the President to use his recess appointment power to put Mr. Pryor on the bench, despite the Senate's decision on his nomination. I agree with Senator KENNEDY that Mr. Pryor's recess appointment, which occurred during a brief recess of Congress, could easily be unconstitutional. It was certainly confrontational. Recess appointments lack the permanence and independence contemplated by the Framers of the Constitution. To confirm Mr. Pryor now would validate the President's regrettable decision to defy the Senate.

I am afraid that many aspects of the debate, relative to the Pryor nomination, mark a low point in Congress. Many of Mr. Pryor's supporters allege that those of us who questioned his nomination or opposed him did so because of his religious beliefs. The same ugly allegation was raised more broadly at the recent Justice Sunday event which took place in a church in Kentucky and featured remarks by Majority Leader WILLIAM FRIST. The allegation that any Member of the Senate is opposing this nomination because of the nominee's religious beliefs is just wrong. In fact, it is not only wrong, it is outrageous.

Article 6 of the Constitution, which we keep at hand here on the floor, makes it clear that it is unconstitutional to use any form of religious test for a person who is seeking an office of public trust. To suggest that those of us who oppose Mr. Pryor—or any of the President's judicial nominees—are violating this article of the Constitution is out of line.

I am troubled, too, by the logic of this position. It appears that Mr. Pryor's supporters believe that if he can answer any of our questions about public policy, if the position he takes is based on his religious belief, then at that point we can't pursue the question, that it is a matter of his personal conscience. But think about that for a moment. I am a member of the Catholic Church. Some Catholics do not support the death penalty. The late Pope John Paul II himself strongly opposed capital punishment. Some Christian Scientists do not support many aspects of medical treatment. Some Quakers do not support war. Some people because of their religious beliefs have strong views on the role of women in society, strong views on divorce, on sexual orientation. I can't believe it is the position of Mr. Pryor's advocates that Senators could not raise legitimate concerns about positions on public issues if there is any nexus to a nominee's religious belief.

Think of all of the areas where we would, frankly, be unable to even ask a question because the person could say: I am sorry. That is my religious belief, and you can't ask about that.

The reality is that certain important issues at the center of legal and legislative activity are public issues and religious issues. To suggest the Senate cannot ask a nominee questions about these public issues would prohibit us from fulfilling our constitutional obligation. It is not Mr. Pryor's religious affiliation that is troubling. It is his history of putting his own personal beliefs ahead of the Constitution. He is a staunch judicial activist. Maybe he doesn't reach the level of Janice Rogers Brown, who was approved yesterday—the most radical nominee sent to us by the Bush White House—but, sadly, some of his public comments are close.

William Pryor believes it is the job of a Federal judge to carry out the political agenda of the President. How else could you interpret his comment about the Bush v. Gore case in 2000, when he said:

> I'm probably the only one who wanted it 5–4. I wanted Governor Bush to have a full appreciation of the judiciary and judicial selection so we can have no more appointments like Justice Souter.

These are the words of William Pryor. Does that suggest to you that he is looking for a nonpartisan judiciary? Sadly, it suggests the opposite. He is looking for a bench filled with partisans of his stripe, and he used that case as a lesson to the White House: Be careful, if you pick someone who is independent, they may just rule against you on a political issue. Those are hardly the kind of words you want coming from the mouth of a man who wants to ascend to the second highest court in America.

On another occasion, Mr. Pryor stated:

> [O]ur real last hope for federalism is the election of Gov. George W. Bush as president of the United States, who has said his favorite justices are Antonin Scalia and Clarence Thomas.
>
> Although the ACLU would argue that it is unconstitutional for me, as a public official, to do this in a government building, let alone at a football game, I will end my prayer for the next administration: Please God, no more Souters.

He was referring again to Justice Souter on the Supreme Court. I asked

Mr. Pryor, a Federalist Society member, whether he agrees with the mission statement of the Federalist Society, where he pays his dues and attends meetings. It reads:

> Law schools and the legal profession are currently strongly dominated by a form of orthodox liberal ideology which advocates a centralized and uniform society.

I have asked this question of almost every Federalist Society member nominated by President Bush, and there have been quite a few. Mr. Pryor is the only person who gave me a one-word answer: ''Yes.''

I appreciate his honesty, but I am troubled by his beliefs. Mr. Pryor is just over 40 years old. If confirmed, he will have the chance to put this philosophy into practice well into the 21st century with a lifetime appointment.

It is not just law and politics that Mr. Pryor has problems keeping separate. He has problems with the separation of church and State. I am concerned about his blurring of a very important line when it comes to the conduct of government vis-a-vis religion. He is so ideological about this issue that he has confessed:

> I became a lawyer because I wanted to fight the ACLU.

The ACLU is one of the main defenders of the separation of church and State. I asked Mr. Pryor if he would be willing to recuse himself in cases involving the ACLU because he has made his views very clear that he cannot be objective. He said no. But he pledged:

> As a judge, I would fairly evaluate any case brought before me in which the ACLU was involved.

It is hard to believe that he could follow that pledge. This is a man who, by his own admission, became a lawyer so that he could ''fight the ACLU.'' Now he tells us he will be objective on their cases.

Many of you remember Alabama Chief Justice Roy Moore and his midnight installation a few years ago of a 6,000-pound granite Ten Commandments monument in the middle of the Alabama State courthouse. Mr. Pryor and his supporters like to point out that Mr. Pryor criticized Chief Justice Moore for defying a Federal court order to remove the monument. What they don't like to talk about nearly as much or nearly as openly is the fact that Mr. Pryor was an early supporter of Chief Justice Roy Moore. He represented Moore vigorously in the litigation of this issue.

The Eleventh Circuit ruled that the display was patently unconstitutional, and a district court subsequently issued an injunction to have the monument removed. Had Mr. Pryor continued to side with Moore and refused to comply with this injunction, he would have exposed the State of Alabama to substantial monetary sanctions and possible criminal liability. This is what Mr. Pryor and his supporters offer as proof that he understands and respects the venerated, historic, and traditional wall between church and State.

Mr. Pryor's advocates call him a ''profile in courage'' for enforcing the Eleventh Circuit decision that the monument must be removed from the Alabama State courthouse. I call it doing your job.

Let me provide another example of his insensitivity. At Mr. Pryor's confirmation hearing, Senator FEINSTEIN asked him to explain his statement that ''[t]he challenge of the next millennium will be to preserve the American experiment by restoring its Christian perspective.'' He ducked the question.

If you are going to serve this Nation and its Constitution, you have to have some sensitivity to the diversity of religious belief in America. Many of us are Christians. But to impose a so-called Christian perspective on everything is to, frankly, take a position which many of different religious faiths would find offensive and intrusive by their Government.

Our Founders may have been mostly Christian, but America today is a nation of religious diversity and this diversity is protected by the Constitution. Judge Pryor has difficulty in grasping this concept.

On the issue of federalism, Mr. Pryor has been a predictable, reliable voice for those who seek to limit the people's rights in the name of States' rights. It is an old ploy in America. As the Alabama Attorney General, he filed brief after brief with the U.S. Supreme Court arguing that Congress has virtually no power to protect State employees who are victims of discrimination. Under his leadership, Alabama was the only State in the Nation to challenge the constitutionality of parts of the Violence Against Women Act. Thirty-six States filed briefs urging this important law be upheld in its entirety, while William Pryor, attorney general of Alabama, was the only one who used his position to try to tear down the Violence Against Women Act.

Mr. Pryor also filed a brief in the Supreme Court case Nevada v. Hibbs. In it, he argued that Congress has no power to ensure that State employees have the right to take unpaid leave from work under the Family Medical Leave Act. Think about it. Mr. Pryor, as Alabama attorney general, said Congress had no power to enforce a Federal law.

The Supreme Court rejected his argument and said: Mr. Pryor, this time you have gone too far.

On the issue of women's rights, he clearly opposes a woman's right to choose. He once called Roe v. Wade ''the worst abomination of constitutional law in our history.'' At Mr. Pryor's hearing, Senator SPECTER asked him if he stood by his statement. He said he did. He went on to say that Roe v. Wade is ''unsupported by the test and structure of the Constitution'' and ''has led to the slaughter of millions of innocent unborn children.''

We are not talking about a nominee who made an overheated statement 30 years ago as a college student. Mr. Pryor said this at his own confirmation hearing.

Understand the constitutional principle that underlies Roe v. Wade. I know abortion is an issue that is very divisive. People feel very strongly one way or the other. But most people concede that underlying that Roe v. Wade decision is the right to privacy, a right which was enshrined in the Supreme Court case of Griswold v. Connecticut 40 years ago this week.

The State of Connecticut, urged by religious groups, had banned the sale of contraceptives and family planning to anyone in the State of Connecticut. If you purchased any family planning—a birth control pill, for example—it was a violation of the law, and the pharmacist who filled that prescription could be arrested and prosecuted.

Think about it. Only 40 years ago that was the case. There was a group who believed that their religious beliefs were so compelling about birth control that they installed it as a State law.

The law was challenged. It came before the Supreme Court. The Supreme Court came down with what has now become a time-honored decision that said, no, built into this Constitution there may not be the word ''privacy,'' but the concept of privacy. There are certain things that we, as individuals, should be protected to make decisions about—the intimacy of marriage, the privacy of our personal life.

What I hear in the language of Mr. Pryor, and many others of his point of view, is really questioning this fundamental concept of protecting individual, personal privacy. It is their belief, many of them, that the Government should rule on these decisions.

On the issue of voting rights, Mr. Pryor has urged Congress to take steps that would undermine the right of African Americans to vote. While testifying before the Judiciary Committee in 1997, he urged Congress to ''consider seriously . . . the repeal or amendment of section 5 of the Voting Rights Act.'' This is a key provision that guarantees the right of African Americans and other racial minorities to achieve equal opportunity in voting.

Section 5 requires certain States to obtain preapproval before changing their voting rights standards, such as redistricting or the location of polling places. It is clearly a vestige of America in transition from racial division and discrimination to a more open, equal policy.

Mr. Pryor, as attorney general of Alabama, raised questions as to whether or not the Federal Government should continue to try to meet that standard. I strongly disagree with that sentiment. He called section 5 ''an affront to federalism and an expensive burden that has far outlived its usefulness.''

I say to Mr. Pryor and others who are white Americans that we cannot possibly understand how much this means,

what it means to an individual to have the right to vote, particularly a person of color, a minority in America, and section 5 is there to guarantee it.

As attorney general of Alabama, Mr. Pryor testified that it had outlived its usefulness. I disagree with his sentiment. Thankfully, so did the Supreme Court and most Members of Congress.

There are so many other issues. Tobacco is another one. When it comes to tobacco, Mr. Pryor has been one of the Nation's foremost opponents of a critical public health issue—compensation for the harms caused by tobacco companies. He has ridiculed lawsuits against tobacco companies saying:

> This form of litigation is madness. It is a threat to human liberty, and it needs to stop.

Remember, those are the lawsuits against tobacco companies that had openly deceived Americans into believing their product was safe, leading to addictions, disease, and death. And when lawsuits were brought by attorneys general across America against the tobacco companies, they settled, knowing they would lose in court, and paid billions of dollars, confessing, in the process, their own wrongdoing.

Despite that, Attorney General Pryor, in Alabama, said this was a threat to human liberty to bring these lawsuits against tobacco companies. What was he thinking?

His fellow State attorneys general have been highly critical of him for his comments on these tobacco lawsuits. Former Mississippi Attorney General Michael Moore said:

> Bill Pryor was probably the biggest defender of tobacco companies of anyone I know. He did a better job of defending the tobacco companies than their own defense attorneys.

Former Arizona Attorney General Grant Woods, a Republican, said this of Mr. Pryor:

> He's been attorney general for about 5 minutes, and already he's acted more poorly than any other attorney general.

These are his colleagues commenting on his view of the law and his personal philosophy.

Gun control is another issue where Mr. Pryor has demonstrated disregard, if not downright hostility, to even reasonable firearm restrictions.

In United States v. Emerson, he filed an amicus brief with the Supreme Court, arguing the man who was the subject of a domestic violence restraining order should be allowed to possess a firearm.

I can tell you, from my life experience and legal experience, that is a very bad position to take. We know that if someone has a restraining order against them because they are going to commit domestic violence, the last thing we want to give them is a gun. That is what the case is about. Mr. Pryor in that case said, no, they have a right to have a firearm, even if they have a domestic abuse restraining order against them.

He called the Government's position a ''sweeping and arbitrary infringement on the second amendment right to keep and bear arms.''

I will stand here and defend to the end the right of an individual to own a firearm legally in America, to use it for legitimate purposes—for self-defense, for hunting, for sport—but to think Mr. Pryor believes the second amendment right is so absolute that we should give guns to men who batter their wives, I just do not understand it. It does not show common sense, let alone an understanding of the law.

Incidentally, he was the only attorney general in the United States of America who took that position.

Mr. Pryor once called those who exercised their legal rights against gun dealers and manufacturers ''leftist bounty hunters.'' The list goes on and on.

On environmental protection, Mr. Pryor was the only State attorney general in the country to file a brief with the U.S. Supreme Court arguing that the Constitution does not give Congress the authority to protect waters that provide a habitat for migratory birds.

In another case, he was the only State attorney general to file a brief urging the Supreme Court to declare unconstitutional Federal efforts to protect wildlife on private lands under the Endangered Species Act.

He has written that his ''favorite victory of the 2000 term'' was the Supreme Court ruling in Alexander v. Sandoval, an infamous decision that made it more difficult to bring environmental justice cases under title VI of the Civil Rights Act.

Judge Pryor has served as a recess appointment on the Eleventh Circuit for about a year now. Senator SPECTER, chairman of the Judiciary Committee, whom I respect very much, has now tried to make the case that he would be a moderate, fairminded judge based on 1 year of service, under the glare of spotlights, as people watched every decision handed down. He suggests he is going to change, he is not going to be the old William Pryor, if we give him an appointment to the Eleventh Circuit. He will be less political. Chairman SPECTER said he will be less of an activist.

I am not persuaded. He has not really had an opportunity to rule on the full spectrum of issues he will face in a lifetime on the bench.

There have been only so many cases which he has considered. Some you can consider liberal in his decisionmaking, some conservative, but to take this 1 year of a probationary period, with this close scrutiny, and say that is what he is all about, I think is to overstate the case.

Mr. Pryor and his supporters have a simple strategy to try to convince the Senate to grant him a lifetime position as a Federal judge. Rather than talk about his troubling record or radical views, they focus on his religious affiliation and accuse anyone who questions him of religious discrimination. I think that is wrong.

We should take care and understand what the Constitution says very directly about religion. There are three references, and the three references have really done a good job for America in over 200 years. The first is each person is entitled to his or her religious beliefs. Believe what you want to believe in the name of religion or do not believe anything. That is your right, your freedom of conscience to make that decision.

Secondly, this Government will not establish a church. We are not going to say this is a Christian nation and everything we do will be handled by the standards of Christ's teachings. We cannot do that under our Constitution. We should not do that because of diversity of religious belief.

Finally, that there be no religious test under the Constitution for anyone seeking office, as I mentioned earlier.

I think we have to be careful here about the use of religion in the debate about William Pryor and careful about it as we speak on the floor. It is not Mr. Pryor's ideas about religion that trouble me. It is his views and record on women's right, voting rights, inmates' rights, consumers rights, the constitutional principle of separation of church and State. Time and again, as Alabama attorney general, Mr. Pryor has taken extreme positions, made extreme statements on such a wide range of issues that the 25 to 30 minutes I have spoken here cannot possibly cover it.

He and his supporters say he will be a changed person. He will go through the so-called confirmation conversion. This will be the new William Pryor. Sadly, I believe, given a lifetime appointment, he will revert to form. He will follow the pattern of his life, the pattern of his statements, and the pattern of his beliefs.

Based on review of his record, it is a risk I cannot, in good conscience, take, and I will vote against Mr. Pryor's nomination.

BIG TOBACCO

Mr. DURBIN. Mr. President, on a separate subject, there was a decision reached this week by the Department of Justice which was very troubling. A lawyer sold out his client. It happens all the time. It is wrong, but it happens. What makes this case unique is the lawyer is the Attorney General and the client is the people of America. In a lawsuit that had been brought against the tobacco companies, there was expert testimony to the fact these tobacco companies should pay up to $130 billion over 25 years for lying to the American people and for all the medical expenses their deadly product created. A similar lawsuit was brought by the States not that long ago. So the Department of Justice, slow to begin this process, was taking the tobacco companies to court.

Then, out of the blue, came the following, and this was reported in the press:

> After 8 months of courtroom argument, Justice Department lawyers abruptly upset a

landmark civil racketeering case against the tobacco industry yesterday by asking for less than 8 percent of the expected penalty.

Suing for $130 billion, the lawyer for the people of the United States walked into the courtroom this week and said: Oh, we just want $10 billion. The story goes that this Justice Department lawyer, Stephen Brody, even shocked the tobacco company representatives by announcing that he only needed $10 billion over 5 years. The Government's own expert said $130 billion over 25 years. What a discount. Here is the lead from the story:

Government lawyers asked two of their own witnesses to soften recommendations about sanctions that should be imposed on the tobacco industry if it lost a landmark civil racketeering case, one of the witnesses and sources familiar with the case said yesterday.

Matt Myers, a person I know and worked with in the past, said he was asked to basically change his testimony to lighten up on the tobacco companies. He confirmed in this article. The second witness declined comment, but four separate sources familiar with the case said the Justice Department asked the same of him.

By the time the Government opened its racketeering case against tobacco companies last September, it had already spent $135 million to develop its case. Why, at the 11th hour, would the Government's own lawyers, the people's own lawyers, fold under the pressure of the tobacco companies and give away so much potential recovery for the taxpayers of America?

Why would they ignore the advice of their own expert witness to seek a penalty of $130 billion and reduce their demand to $10 billion over 5 years?

Even the lawyer for Philip Morris tobacco company coordinating the case said as follows:

They've gone down—

Meaning the Government, your lawyer, the attorney—

from $130 billion to $10 billion with absolutely no explanation. It's clear the Government hasn't thought through what it's doing.

End of quote from Dan Webb, the lawyer from the tobacco company, who could not believe what he had heard when the Department of Justice walked into the courtroom and said: We are going to deeply discount the amount we are trying to recover.

Why is this money important? There are 45 million smokers in America. Many of them want to quit. The money was going to be used for cessation programs, reducing disease and death in America, and the Bush administration walked away from it, walked away from the vast amount already established in court as the amount necessary to move these programs forward.

In court yesterday, a Philip Morris lawyer tried to explain away the reduced fine by claiming that the Government's case was in disarray. The judge in the case interrupted the tobacco lawyer who was trying to put some credibility into the new position of the Bush administration by saying that was not true.

So what is the reason? Sadly, it is because there is too much political impact by the tobacco lobby on this administration, particularly on Associate Attorney General Robert McCallum, Jr.

Who is he? This is what the L.A. Times said about him:

Before his appointment in the Justice Department . . . he had been a partner at Alston & Bird, an Atlanta-based firm that had done trademark and patent work for R. J. Reynolds Tobacco. In 2002, McCallum signed a friend-of-the-court brief by the administration urging the Supreme Court not to consider an appeal by the Government of Canada to reinstate a cigarette smuggling case against R. J. Reynolds that had been dismissed. The Department's ethics office had cleared McCallum to take part in the case.

Let me point out, in fairness to Mr. McCallum, that he is not the only friend of the tobacco industry in the Bush administration. There are many.

Does this have something to do with the surprise announcement yesterday that the Justice Department was selling out its client, the American people, those addicted to tobacco? That is why Senators LAUTENBERG, KENNEDY, WYDEN, and I have sent a letter to the inspector general of the Justice Department, asking him to investigate this reversal of position by the Attorney General.

Just why in the world has the Attorney General of the United States thrown in the towel, given up, when he was supposed to be fighting for people across America who need this public health assistance?

I think that is a critical and unanswered question, which I hope the inspector general will address.

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

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

Mr. SHELBY. Mr. President, I rise today to express my strong support for the nomination of Bill Pryor, to serve on the United States Court of Appeals for the Eleventh Circuit.

I have known Bill for many years and have the highest regard for his intellect and integrity. He is an extraordinarily skilled attorney with a prestigious record of trying civil and criminal cases in both the Federal and State courts. He has also argued several cases before both the Supreme Court of the United States and the supreme court of the State of Alabama.

As the Attorney General of the State of Alabama, Judge Pryor established a reputation as a principled and effective legal advocate for the State and distinguished himself as a leader on many important State issues. During his tenure as Attorney General, it was his duty and obligation to represent and defend the laws and interests of the State of Alabama. And while he may not have always agreed with those laws, he consistently fulfilled his responsibility dutifully and responsibly.

Long before being nominated to the Eleventh Circuit, Judge Pryor made it a priority to be open and honest about his personal beliefs, which is what voters expect from the persons whom they elect to represent them. Yet he has shown again and again that when the law conflicts with his personal and political beliefs, he follows the law as articulated by the Constitution and the Supreme Court.

Despite his detractors, I believe it is important to note that actions speak louder than words, and certainly, Judge Pryor's actions since joining the Eleventh Circuit speak volumes about his fairness and impartiality. During his brief tenure on the Court, Judge Pryor has authored several opinions that effectively demonstrate his willingness to protect the rights of those often overlooked in the legal system.

In light of all of the information that has been presented here today, I believe that we must confirm Judge Pryor. Bill Pryor is a man of the law and that is what we need in our Federal judiciary. Whether as a prosecutor, a defense attorney, the Attorney General of the State of Alabama, or a Federal judge, he understands and respects the constitutional role of the judiciary and specifically, the role of the Federal courts in our legal system. Indeed, I have no doubt that he will make an exceptional Federal judge because of the humility and gravity that he brings to the bench. I am also confident that he will serve honorably and apply the law with impartiality and fairness—just as he has done during his brief tenure on the Eleventh Circuit.

I again encourage my colleagues to support Judge Pryor's nomination because I believe it is what is right for our people, and it is what is right for our country.

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

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

Mr. CHAMBLISS. Mr. President, I rise today in support of the nomination of Judge William Pryor to the Eleventh Circuit Court of Appeals.

I would like to respond to the accusations by some of my colleagues concerning Bill Pryor's comments related to Section 5 of the Voting Rights Act. Judge Pryor has an outstanding record on civil rights and a demonstrated commitment to seeking equal justice for persons of all races.

Nevertheless, some of my colleagues on the other side have tried to characterize Bill Pryor as ''out of the mainstream'' because, as you have heard, he has called for the amendment of Section 5 of the Voting Rights Act.

Judge Pryor is not out of the mainstream on this issue, and I'll explain why.

After you hear who agrees with Judge Pryor on his reasoning here, I think you will agree with me that if Bill Pryor is ''out of the mainstream'' on his critiques of Section 5 of the Voting Rights Act, he's ''out there'' with some great Americans.

First, let me explain what Section 5 of the Voting Rights Act is about. Section 5 requires any ''covered States''—States that are subject to the Voting Rights Act—to pre-clear any decision to change ''any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting.''

The Supreme Court in Allen v. State Board of Elections has made it clear that the:

> legislative history on the whole supports the view that Congress intended to reach any State enactment which altered the election law of a covered State in even a minor way.

In practice, this means that Section 5 requires Federal officials at the Department of Justice to approve even very minor practices related to voting.

For example, if a State moved a polling place from one side of a street to another, this action would have to be pre-cleared by the Justice Department pursuant to Section 5.

Bill Pryor has called the Voting Rights Act ''one of the greatest and most necessary laws in American history,'' but he has taken to task Federal courts that have ''turned the Act on its head and wielded . . . power to deprive all voters of the right to select . . . public officers,'' even though the Act ''was passed to empower minority voters in the exercise of the franchise.''

As Alabama Attorney General, Bill Pryor was by no means alone in his criticisms of the Section 5 of the Voting Rights Act.

In a brief before the Supreme Court in the case of Georgia v. Ashcroft, Thurbert Baker, our State Attorney General in Georgia, who himself is a Democrat and African-American, called Section 5 an ''extraordinary transgression of the normal prerogatives of the states'' and ''a grave intrusion into the authority of the states.''

General Baker also stated that:

> Section 5 was initially enacted as a ''temporary'' measure to last five years precisely because it was so intrusive.

Mr. President, I ask unanimous consent to have a copy of a letter that General Baker wrote back in 2003 to Senators SHELBY and SESSIONS of Alabama, in which General Baker describes Bill Pryor as ''an excellent candidate for a slot on the 11th Circuit Court of Appeals,'' printed in the RECORD.

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

DEPARTMENT OF LAW,
Atlanta, GA, March 31, 2003.

Hon. RICHARD SHELBY,
U.S. Senate, Hart Senate Office Building, Washington, DC.

Hon. JEFF SESSIONS,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATORS: I have had the great pleasure of knowing and working with Bill Pryor over the past five years. Through the National Association of Attorneys General, Bill and I have worked together on matters of mutual concern to Georgia and Alabama. During that time, Bill has distinguished himself time and again with the legal acumen that he brings to issues of national or regional concern as well as with his commitment to furthering the prospects of good and responsive government.

During his tenure as Attorney General, Bill has made combating white-collar crime and public corruption one of the centerpieces of his service to the people of Alabama. He joined the efforts of Attorneys General around the country in fighting the rising tide of identity theft, pushing through legislation in the Alabama legislature making identity theft a felony in Alabama. Bill has fought to keep law enforcement in Alabama armed with appropriate laws to protect Alabama's citizens, pushing for tough money laundering provisions and stiff penalties for trafficking in date rape drugs.

Time and again as Attorney General, Bill has taken on public corruption cases in Alabama, regardless of how well-connected the defendant may be, to ensure that the public trust is upheld and the public's confidence in government is well-founded. He has worked with industry groups and the Better Business Bureau to crack down on unscrupulous contractors who victimized many of Alabama's more vulnerable citizens.

From the time that he clerked with the late Judge Wisdom of the 5th Circuit to the present, though, the most critical asset that Bill Pryor has brought to the practice of law is his zeal to do what he thinks is right. He has always done what he thought was best for the people of Alabama. Recognizing a wrong that had gone on far too long, he took the opportunity of his inaugural address to call on an end to the ban on inter-racial marriages in Alabama law. Concerned about at-risk kids in Alabama schools, he formed Mentor Alabama, a program designed to pair volunteer mentors with students who needed a role model and an attentive ear to the problems facing them on a daily basis.

These are just a few of the qualities that I believe will make Bill Pryor an excellent candidate for a slot on the 11th Circuit Court of Appeals. My only regret is that I will no longer have Bill as a fellow Attorney General fighting for what is right, but I know that his work on the bench will continue to serve as an example of how the public trust should be upheld.

Sincerely,

THURBERT E. BAKER.

Mr. CHAMBLISS. General Baker goes on in his letter to my colleagues from Alabama to say:

> My only regret is that I will no longer have Bill as a fellow Attorney General fighting for what is right, but I know that his work on the bench will continue to serve as an example of how the public trust should be upheld.

Judge Pryor's concerns about Section 5 have been borne out in Georgia, where the State appealed to the Supreme Court in Georgia v. Ashcroft to have a recent redistricting plan approved following the 2000 decennial census, and after a Federal district court found that Georgia's plan violated Section 5.

During the litigation in the district court, Congressman JOHN LEWIS, a hero of the civil rights movement, testified on behalf of the State of Georgia in support of the plan, noting that Georgia:

> is not the same state it was. It's not the same state that it was in 1965 or in 1975, or even in 1980 or 1990. We have changed. We've come a great distance.

JOHN LEWIS knows that thoughtful review of Section 5 could be of some benefit.

According to the New York Times, Georgia's plan, pushed by both ''white and black Democrats,'' represented an attempt:

> to reverse [a] trend in Georgia and elsewhere by redistributing some of the black voters and re-integrating suburban districts to gain a better chance of electing Democrats.

That is a quote from a New York Times article of January 18, 2003 at A12.

The New York Times further notes that Georgia currently has:

> some safe Democratic districts with large black majorities, along with a sharply increased number of Republicans elected from suburban districts that had become increasingly white.

In his brief in Georgia v. Ashcroft, Georgia Attorney General Thurbert Baker cited his own election as an example of how African-American candidates can take ''the overwhelming majority of the total vote against their white opponents'' without the benefit of supermajority districts.

The Federal Government opposed Georgia's plan on the ground that Section 5 does not give Georgia the power to eliminate supermajority minority legislative districts, even in the name of increasing overall minority voting power.

Section 5 has not only placed a burden on covered States, but also on the Justice Department, which has wasted time by being forced to pre-clear a huge number of changes in voting practices that have nothing to do with minority voting rights.

Section 5 requires covered states to pre-clear any decision to change:

> any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting.

Again, the Supreme Court has made it clear that the:

> legislative history on the whole supports the view that Congress intended to reach any state enactment which altered the election law of a covered State in even a minor way.''

That statement is included in *Allen* v. *State Board of Elections*, 393 U.S. 544, 566.

For example, if a State moved a polling place from one side of a street to another, this action would have to be pre-cleared by the Justice Department pursuant to section 5, which indicates that ''any change in the boundaries of voting precincts or in the location of polling places'' requires pre-clearance.

Another great American, the late U.S. Supreme Court Justice Lewis

Powell also criticized section 5 of the Act.

President Clinton has called Justice Powell ''one of our most thoughtful and conscientious judges'' and a Justice who reviewed cases ''without an ideological agenda.''

In 1973, in another case styled as Georgia v. United States, Justice Powell wrote in a dissenting opinion that:

> It is indeed a serious intrusion, incompatible with the basic structure of our system, for federal authorities to compel a state to submit its [reapportionment] legislation for advance review [under section 5].

The most important point I would like to stress is that despite Mr. Pryor's well-documented concerns about Section 5 of the Voting Rights Act, he has vigorously enforced all provisions of the Act.

Let me give you two examples. First, when Alabama state legislator J.E. Turner died and the new candidate wanted to use stickers to place his name on the ballot, Attorney General Pryor issued an opinion stating that the use of stickers required pre-clearance under Section 5 of the Act. Certainly this illustrates that Bill Pryor was able to separate his personal disagreement with the requirements of Section 5 from his duty as Alabama's Attorney General to enforce the provision despite his personal views.

A second example involved Mr. Pryor's successful defense of several majority-minority voting districts, approved under Section 5, from a challenge by a group of white Alabama voters in the Sinkfield v. Kelley case. The voters, who were residents of various majority-white voting districts, sued the State of Alabama in Federal court, claiming that Alabama's voting districts were the product of unconstitutional racial gerrymandering.

The districts were created under a state plan whose acknowledged purpose was the maximization of the number of majority-minority districts in Alabama. Attorney General Pryor personally defended the majority-minority districts all the way to the U.S. Supreme Court, which held that the white voters could not sue because they did not reside in the majority-minority district and had not personally been denied equal treatment.

When some of these provisions of the Voting Rights Act are up for renewal, we should review and consider them in a very deliberative, bipartisan manner to make sure that the law today reflects the realities of our society here in the 21st Century.

Thurbert Baker and Bill Pryor, as attorneys general of two neighboring states in the South, know this to be the case one is African-American and one is white; one is a Democrat and the other is a Republican, but together they share a vision of making the voting rights laws of our country effective and enforceable in today's times.

To sum up, Bill Pryor has established an impressive record as a fair, diligent, and competent public servant. Two of my fellow Georgians, John Lewis and Thurbert Baker, have expressed concerns with Section 5 of the Voting Rights Act, just as Bill Pryor did and just as the late Justice Lewis Powell did.

This is not out-of-the-mainstream thinking; it's thoughtful and sincere analysis.

Even the liberal New York Times had to concede as much in its comments regarding Georgia's redistricting plan.

Bill Pryor's nomination to the Eleventh Circuit enjoys strong bipartisan support in his home State of Alabama, and in my home State, which is also part of the Eleventh Circuit.

A month ago, I visited with a number of my district court judges, all of whom said that in their contact with the Eleventh Circuit Court of Appeals, they had nothing but great things to say about the job Bill Pryor is doing as an interim appointee to the Eleventh Circuit. I urge my colleagues to vote in favor of his confirmation today.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I am here to speak on the nomination of William Pryor to the Eleventh Circuit. Bill Pryor's nomination is the last of the three covered by the deal worked out by 14 of our colleagues to avoid meltdown in the Senate.

Yesterday was the vote on Janice Rogers Brown. It was a sad vote. Not a single Republican Senator broke with his or her party to vote against a nominee whom even the National Review, George Will, and others singled out for her judicial activism and radicalism. It showed again that the other side is willing to march in almost total lockstep with the President. If they had their way, the Senate would be a complete rubberstamp for any nominee the President proposes—totally against what the Founding Fathers intended this Senate to be.

The count is 2,921 to 2. Out of almost 3,000 votes on appellate court nominees, 44 in all, only twice have Republican Senators dared to deviate from the party line. Is that the kind of independent thinking that an up-or-down vote entails? It is a sad day, indeed. For sure, Janice Rogers Brown's views do not mirror those of most of my colleagues or even come close.

In a moment, I will go through all the reasons I am opposed to Judge Pryor's nomination and all the things he said with which I strongly disagree. Here is one I agree with. In his testimony before the Senate in 1997, Judge Pryor told Senators, ''Your role of advice and consent in judicial nominees cannot be overstated.'' On this point, Judge Pryor and I see eye to eye.

As we await a slew of new nominations from the President, as we await the possible retirement of a Supreme Court Justice, and as we vote on the current nominees in the wake of an agreement that specifically urged President Bush to consult the Senate in advance of nominations, I again plead with the President and my colleagues to look to the future. Look to a future where harmony can replace acrimony in the Senate, where bipartisanship can replace one-upmanship, and where discourse can replace demagoguery. How can that be done? It is very simple. The President can, as he said he would in a recent press conference, consult meaningfully with Senators before trying to jam extreme nominees down our throats.

The renomination of Bill Pryor was the most breathtaking example of the President's ignoring checks and balances and bypassing the Senate's role in the nomination and confirmation process. The President stuck a thumb in the eye of bipartisanship when he renominated people like Janice Rogers Brown, Priscilla Owen, and Richard Myers after they were rejected by the Senate.

But the President did not get his way with William Pryor, and then he took the truly extraordinary step of making a recess appointment. While the renomination of rejected judges was a thumb in the eye to bipartisanship, the recent appointment of Bill Pryor was a punch in the face. This was particularly outrageous because not only is Bill Pryor one of the most ideologically driven nominees we have ever seen but also because there were questions about his credibility with the committee, and there was an unfinished investigation regarding the Republican Attorney General Association that he founded.

It is not enough for him or any other nominee to simply say: I will follow the law. His views are too well known. His record is clear about how he will vote as a judge. We all know that judging is not a rote process. We all know our own individual values and thoughts influence how we interpret the law. If it were just by rote, we would have computers on the bench instead of men and women in black robes. There is a degree of subjectivity, especially in close cases and controversies on hot-button issues. It is hard to believe that the incredibly strong ideological bent of this nominee will not have an impact on how he rules.

As my colleagues know, I have no litmus test when it comes to nominees. I am sure most of this President's judicial nominees have been pro-life, but I voted for so many of them because I have been persuaded they are committed to upholding the rule of law. I, for one, believe a judge can be pro-life and yet be fair and balanced and uphold the woman's right to choose. But for a judge to set aside his or her own personal views, the commitment to the rule of law must clearly supersede his or her personal agenda. That is a trick some can pull off. Not everybody can.

Let's take a moment to review some of the more radical remarks William Pryor has made and some of the more polemical positions he has taken. On criminal justice issues, I tend to be conservative. I tend to agree with most

of my Republican colleagues. But there are lines which should not be crossed.

William Pryor defended his State's practice of handcuffing prisoners to hitching posts in the hot Alabama Sun for 7 hours without even giving them a drop of water to drink, and then he criticized the Supreme Court—hardly a liberal court—when it held this practice violated the eighth amendment ban on cruel and unusual punishment. We do have standards. We are not a medieval society, even for those of us who believe in tough punishment. What Pryor did, he goes far, too far, to say the least. In criticizing the Supreme Court's decision, he accused the Justices of applying their own subjective views on appropriate methods of prison discipline. The Supreme Court, which I believe was unanimous—or maybe 8 to 1—in rejecting William Pryor's view, was far more appropriate than he was.

He also called the Supreme Court's decision in Miranda—something that is part of judicially accepted law—one of the worst examples of judicial activism.

He has vigorously opposed the exemption of retarded defendants from being executed. He submitted an amicus brief to the Supreme Court in Atkins v. Virginia, and he argued that mentally retarded individuals should be subjected to the death penalty like anyone else.

When issues have been raised about the fair and just administration of punishment, particularly in some of these cases, Mr. Pryor's reaction has been to scoff.

When asked what steps Alabama would take to ensure that the death penalty was fairly applied—and I have supported the death penalty—regardless of the defendant's race, he said:

> I would hate for us to judge the criminal justice system in a way where we excuse people from committing crimes because, well, we have imposed enough punishment on that group this year, and that's precisely what you are being asked to think of with that kind of analysis.

It is ridiculous. The analysis simply said, don't take race into account. This is a judge who will be fair and impartial and open to advocates' positions on both sides of an issue?

How about States rights? Mr. Pryor has been one of the staunchest advocates of efforts to roll back the clock, not just to the 1930s but to the 1890s. He is an ardent supporter of an activist Supreme Court agenda cutting back Congress's power to protect women, workers, consumers, the environment, and civil rights.

As Alabama's attorney general, Mr. Pryor filed the only amicus brief from among the 50 States. Only 1 attorney general out of all 50 filed a brief urging the Supreme Court to undo significant portions of the Violence Against Women Act. I am a proud author of that act. I carried the bill in the House when I was a Congressman. And to be so opposed to preventing women from being beaten by their husbands and taking remedies to deal with women who are so beaten makes no sense to me.

In commenting on that law, Pryor said:

> One wonders why [VAWA] enjoys such political support, especially in the Congress.

One wonders why it enjoys such support when, for the first time, we in Washington, hailed by Republicans and Democrats, started trying to help women who were beaten by their husbands? When they used to go to certain police stations, they were told—not out of malice but out of ignorance—go home, it is a family matter; whose children had watched them be hit? And he cannot understand why it enjoys such political support? He is not the kind of man I want on the court of appeals.

How about child welfare? Bill Pryor's ardent support of States rights extends even to the realm of child welfare. At the same time he was conceding that Alabama had failed to fulfill the requirements of a Federal consent decree regarding the operation of a child's welfare system, he was demanding his State be let out of the deal.

On environment, we have more of the same concerns. Pryor was the lone attorney general to file an amicus brief arguing the Constitution does not give the Federal Government power to regulate interstate waters as a habitat for migratory concerns.

When it comes to disabilities, contrast Mr. Pryor's approach with the approach he took in Bush v. Gore. Bill Pryor was the lone State attorney general to file an amicus brief supporting the Supreme Court's intervention in Florida's election dispute. Every other attorney general, Democrat and Republican, had the sense to stay out of this dispute. Not Mr. Pryor.

Yet when it came to the ADA, the disabilities act, Mr. Pryor was the driving force behind the case in which a nurse contracted breast cancer, took time off to deal with her illness, and when she returned—in violation of the ADA—she found that she was demoted.

In conclusion, Mr. Pryor is extreme. Again, why is he, over and over again, 1 of the 50 attorneys general—there are a lot of conservative attorneys general—to file these briefs? Why is he, on things that are part of the mainstream of American feelings and jurisprudence—environment, Americans With Disabilities Act—way over?

Why did he say:

> I will end with my prayer for the next administration. Please, God, no more Souters?

That is what he said before the Federalist Society, a Republican appointee to the bench. The man is clearly an ideologue. The man does not respect the rule of law in too many instances.

As I have said before, Bill Pryor is a proud and distinguished ideological warrior. But ideological warriors, whether from the left or from the right, are bad news for the bench. They tend to make law, not interpret law. That is not what any of us should want from our judges. Ideological warriors, whether from the left or the right, do not belong on courts of appeals.

I will suggest that you do not need to take my word for it. Here is what Grant Woods, the former attorney general of Arizona, and a conservative Republican, said of Mr. Pryor: While I would have great question of whether Mr. Pryor has an ability to be nonpartisan, I would say he was probably the most doctrinaire and partisan attorney general I have dealt with in 8 years. So I think people would be wise to question whether or not he is the right person to be nonpartisan on the bench.

I could not have said it better myself.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CHAMBLISS). The Senator from Iowa.

Mr. HARKIN. Mr. President, I am here to speak again, as so many before me, on the nomination of William Pryor to the Eleventh Circuit Court of Appeals.

Now, we have heard many concerns and complaints about Mr. Pryor. We have heard that Mr. Pryor cost his State millions of dollars when he refused to join litigation seeking to hold tobacco companies accountable for the cost of smoking because he believes that ''smokers, as a group, do not impose the cost of their habit on the government'' and, listen to this, that the premature deaths of smokers actually save the Government the cost of ''Social Security, pensions, and nursing home payments.''

We have heard about Mr. Pryor's vigorous defense of Alabama's use of the hitching post as a punishment, a practice the Supreme Court held to be cruel and unusual punishment.

So there has been a lot of talk about different things about Mr. Pryor and what he has stood for, but I am here specifically to talk about Mr. Pryor's persistent, repeated efforts to eliminate the ability of people with disabilities to receive equal treatment in our society. I am here to talk about this nominee's hostility toward the Americans with Disabilities Act.

Most of my colleagues know that I had a brother who was deaf. Through his eyes, my family and I saw firsthand what discrimination against persons with disabilities looks like. It was, and still is, very real.

When we in Congress sought to remedy this history of discrimination, we spent years laying out, piece by piece, a legislative record fully documenting the overwhelming evidence that discrimination against people with disabilities in America was rampant. At the time we passed this bill, we took care to make sure that this important civil rights law had the findings and the constitutional basis to pass muster with the Supreme Court. The signing of the ADA was the culmination of a monumental bipartisan effort that sought to right decades worth of wrongs.

So what did William Pryor have to say about this bill that was signed by

President Bush in 1990, supported overwhelmingly by the American people, supported overwhelmingly by both Republicans and Democrats in the Senate and the House? What did he have to say about it? In the case of Board of Trustees of the University of Alabama v. Garrett, he argued that Congress did not identify ''even a single instance of unconstitutional conduct'' to support the Americans with Disabilities Act.

This is complete and utter nonsense. We documented it, hundreds and hundreds and hundreds of cases of unconstitutional discrimination against people with disabilities—cases of the forced sterilization of people with disabilities, the denial of educational opportunities, unnecessary institutionalizations, among others.

Mr. Pryor has made no secret of the fact that he does not believe we in Congress have the power to pass laws to protect people from discrimination. He has worked hard to find cases with which to challenge the power of Congress to protect victims of domestic violence, victims of age discrimination, and women seeking to take maternity leave under the Family and Medical Leave Act. He has also repeatedly filed cases challenging Congress's authority to allow Americans with disabilities to live full and productive lives under the Americans with Disabilities Act.

Now, some of my colleagues may remember that 2 years ago I stood on this floor and asked Senators to oppose the nomination of Jeffrey Sutton because Mr. Sutton had devoted a significant portion of his legal career to trying to have the Americans with Disabilities Act and other laws designed to protect Americans from discrimination declared unconstitutional. At that time, many of my colleagues on the other side of the aisle argued that Jeffrey Sutton should be confirmed because he was simply doing the work on behalf of his client. Well, guess who his client was. The client was William Pryor, then-attorney general of Alabama.

It is hard to imagine any other nominee with such a record of aggressive negative activism. Given the record of William Pryor, it is impossible to imagine that someone with a disability rights or civil rights claim will get a fair decision by him.

So I cannot support putting someone on a Federal circuit court who has gone out of his way and worked hard affirmatively to undermine the Americans with Disabilities Act. And that is what he has done.

Mr. President, I have a list of 68 groups, disability-related groups. They represent the interests of individuals with disabilities, both nationally and some in States. I ask unanimous consent that the list of these 68 organizations, along with a few letters from a number of the groups, be printed in the RECORD.

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

DISABILITY COMMUNITY OPPOSITION TO PRYOR

NATIONAL

AAPD
ACCESS FOR AMERICA
ADA WATCH
Bazelon Center for Mental Health Law
National Association of the Deaf (NAD)
National Coalition on Self Determination, Inc.
National Disabled Students Union (NDSU)
National Council on Independent Living (NCIL)
United Spinal (formerly Eastern Paralyzed Veterans)
World Association of Persons with Disabilities

ALABAMA

Independent Living Center of Birmingham, Alabama
Center for Independent Living of Jasper, Alabama

ALASKA

Southeast Alaska Independent Living

ARIZONA

Arizona Bridge to Independent Living (ABIL) of Phoenix, AZ
Services Maximizing Independent Living and Empowerment (SMILE) of Yuma, AZ
New Horizons Independent Living Center, (Prescott Valley, AZ)

CALIFORNIA

California Council of the Blind
California Democratic Party Disabilities Caucus
Disability Resource Agency for Independent Living, (Stockton, CA)
Independent Living of Southern California
Independent Living Center, Claremont, CA (Claremont, CA)
Independent Living Resource Center of San Francisco, CA
Independent Living Resource Center, Ventura, CA (Ventura, CA)
Placer Independent Resource Services
Southern California Rehabilitation Services
California Foundation for Independent Living Centers (CFILC)

COLORADO

Center for Independence Grand Junction (Grand Junction, CO)

FLORIDA

Access Now
Center for Independent Living of South Florida (Miami, FL)
Self Reliance, Inc. (Tampa, FL)

IDAHO

Disability Action Center NW, Inc. (Coeur D'Alene, ID)

ILLINOIS

Center for Independent Living of Illinois/Iowa
Lake County Center for Independent Living
Illinois Network of Centers for Independent Living

IOWA

Center for Independent Living of Illinois/Iowa

KANSAS

Southeast Kansas Independent Living Resource Center (SKIL)
Prairie Independent Living Resource Center (PILR), Hutchinson KS
Cherokee County Advocacy Group

KENTUCKY

Kentucky Disabilities Coalition

MAINE

Maine Developmental Disabilities Council

MARYLAND

Eastern Shore Center for Independent Living, (Cambridge, MD)
The Freedom Center (Frederick, MD)

MASSACHUSETTS

Stavros Center for Independent Living (Amherst, MA)

MISSISSIPPI

Mississippi Statewide Independent Living Council
Mississippi Coalition for Citizens with Disabilities

MONTANA

Summit Independent Living Center, Inc., (Missoula, MT)
Living Independently for Today and Tomorrow, (Billings, MT)

NEW JERSEY

Center for Independent Living of South Jersey (Westville)
Heightened Independence and Progress (Hackensack)

NEW YORK

ARISE (Syracuse)
Southern Tier Independence Center (Binghamton)
The Genesee Region Independent Living Center (Batavia, NY)
Northern Regional Center for Independent Living (Watertown)

OHIO

The Ability Center of Defiance, OH
The Ability Center of Greater Toledo (Sylvania)
Tri-County Independent Living, (Akron, OH)

OREGON

Disability Advocacy for Social and Independent Living (DASIL), (Jackson County, OR)

PENNSYLVANIA

Pennsylvania Statewide Independent Living Council
Pennsylvania Council for the Blind

SOUTH CAROLINA

Disability Resource Center, (North Charleston, SC)

TENNESSEE

Tennessee Disability Coalition

TEXAS

Houston Area Rehabilitation Association
ABLE Center for Independent Living, (Odessa, TX)

VIRGINIA

Disabled Action Committee, Dale City, VA

WEST VIRGINIA

Fair Shake Network (Institute, WV)
Mountain State Centers for Independent Living (Huntington)

WISCONSIN

Options for Independent Living (Green Bay, WI)

Unknown: Options Center for Independent Living—Illinois or MN/ND?

ADA WATCH, NATIONAL COALITION FOR DISABILITY RIGHTS,
Washington, DC, June 10, 2004.

Hon. PATRICK LEAHY.

DEAR SENATOR LEAHY: ADA Watch is an alliance of hundreds of disability and civil rights organizations united to protect the Americans with Disabilities Act (ADA) and the civil rights of people with disabilities. The disability community is opposed to the confirmation of Alabama Attorney General William Pryor because we do not believe a person with a disability would receive a fair hearing from a ''Judge Pryor.''

Pryor has demonstrated a commitment to extremism rather than to justice. Pryor's right-wing ideology is far outside the mainstream of American legal thought. Pryor has led the battle to undo the work of a democratically-elected Congress to legislate federal protections for American citizens. Despite widespread bipartisan support for the

Americans with Disabilities Act (ADA), Pryor said he was ''proud'' of his role in weakening the ADA and ''protecting the hard-earned dollars of Alabama taxpayers when Congress imposes illegal mandates on our state.

William Pryor, nominated to the U.S. Court of Appeals for the Eleventh Circuit, has been a leader in the effort to limit congressional power to enact laws protector civil rights. Pryor has prevailed in a series of 5–4 cases before the Supreme Court that have curtailed civil rights, including the *Board of Trustees of Alabama* v. *Garrett,* which successfully challenged the constitutionality of applying the Americans with Disabilities Act of 1990 to states as employers.

Pryor argued that the protections of the ADA were ''not needed'' to remedy discrimination by states against people with disabilities. This decision prevents persons with disabilities from collecting monetary damages from state employers. Most significantly, it has resulted in fewer attorney being willing to represent individual in ADA cases against state employers. Despite the massive record of egregious conduct toward individuals with disabilities by states that Congress has compiled—including instances of forced sterilization of individuals with disabilities, unnecessary institutionalization, denial of education, and systemic prejudices and stereotyping perpetrated by state actors—Pryor argued that states were actually in the forefront of efforts to protect the rights of individuals with disabilities.

Pryor is a leading architect of the recent ''states' rights'' or ''federalism'' movement to limit the authority of Congress to enact laws protecting individual and other rights. He is among those fighting to eliminate federal protections and leave us with a patchwork of uneven civil rights protections dependent on an individual's zip code.

Sincerely,

JIM WARD.

OPPOSITION TO CONFIRMATION OF NOMINEE WILLIAM H. PRYOR, JR. TO U.S. COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

The National Association of the Deaf (NAD) is opposed to the confirmation of nominee William H. Pryor, Jr., to the U.S. Court of Appeals for the Eleventh Circuit.

Currently the Attorney General for the State of Alabama, Pryor is a ''states' rights'' and ''federalism'' ideologue, a leader in the movement to limit the authority of Congress to enact laws protecting individual civil rights. Pryor has fought aggressively against the Americans with Disabilities Act (ADA) and other laws that protect Americans with disabilities and other minorities.

The NAD is opposing Pryor because of his outspoken activism against federal civil rights protections for people with disabilities and other minorities. His commitment is to ideology, not to justice.

Established in 1880, the NAD is the nation's oldest and largest nonprofit organization safeguarding the accessibility and civil rights of 28 million deaf and hard of hearing Americans across a broad range of areas including education, employment, health care, and telecommunications.

The NAD is a dynamic federation of 51 state association affiliates including the District of Columbia, organizational affiliates, and national members. Primary areas of focus include grassroots advocacy and empowerment, policy development and research, legal assistance, captioned media, information and publications, and youth leadership.

KELBY N. BRICK,
Associate Executive Director, National Association of the Deaf Law and Advocacy Center.

ILLINOIS/IOWA CENTER FOR INDEPENDENT LIVING,
Rock Island, IL, July 21, 2003.

Please note that the Illinois/Iowa Center for Independent Living opposes the nomination for William Pryor. We strongly feel that Mr. Pryor and his record as the Attorney General in Alabama does NOT support nor represent the millions of people with disabilities or their basic civil rights. Please know that we will do all we can to see that his nomination is stopped! Thank you for your cooperation and help!

SUSAN A. SACCO.

THE ABILITY CENTER OF GREATER TOLEDO,
Sylvania, OH, July 14, 2003.

TO THE SENATE JUDICIARY COMMITTEE: The Ability Center of Greater Toledo expresses its adamant opposition to the nomination of William Pryor to the U.S. Court of Appeals for the Eleventh Circuit. Our opposition is based on his record as an attorney, as an Attorney General and on his comments made publicly which represent his personal views.

Mr. Pryor's professional position in cases such Garrett v. Alabama, and Alexander v. Sandoval, to name a few, indicate a distinct inclination toward the protection of states from individual's attempt to protect themselves under federal civil rights laws. The results of cases like these seriously weaken the enforcement of laws like the Americans with Disabilities Act and therefore seriously affect the independence and quality of life of American citizens with disabilities.

Mr. Pryor's publicly declared notion that the ADA was not needed, that there was no pattern of discrimination by the states, that Congress therefore had no authority to enact its protections, flies in the face of the thousands of cases of discrimination identified by Congress. His attitudes are a slap in the face of American citizens who were forced to be sterilized, institutionalized and otherwise denied access to places and things that able-bodied people take for granted. The passage of the ADA opened doors, literally and figuratively, to thousands of individuals to live, work and play when and where they chose. Unfortunately there continues to be defiance and ignorance of employers, businesses and government entities regarding the right to access and opportunity granted to all citizens. The ADA, and other civil rights legislation, is the only defense people with disabilities can call on to realize their independence and potential. There is no other protection or defense.

The Ability Center asks that you oppose this nomination as a statement that the civil rights of all U.S. citizens are a priority above all else. Oppose the nomination to send a message that any judicial candidate who demonstrates, in word and deed, extreme ideology is not an appropriate choice for the judicial bench. Oppose the nomination because it is a lifetime appointment and that such an appointment represents a serious and real threat to millions of citizens with disabilities. Appoint individuals to the federal court system who have demonstrated an ability to interpret the law without bias and extreme ideologies. This is not William Pryor.

Sincerely,

SUSAN HETRICK,
Advocacy Director.

HEIGHTENED INDEPENDENCE AND PROGRESS,
Hackensack, NJ, July 14, 2003.

Heightened Independence and Progress (hip) Center for Independent Living strongly opposes the confirmation of William Pryor to the U.S. Court of Appeals for the Eleventh Circuit.

People with disabilities have worked long and hard to bring about the Americans with Disabilities Act (ADA) and rely on the Act's protections to ensure that employers, schools, governmental entities and business both large and small do not discriminate against anyone because of a disability.

William Pryor has taken positions about ADA related cases that cause disability advocates to have serious concerns about his ability to be objective in such cases. We strongly urge that William Pryor not be confirmed to a position on the Eleventh Circuit Court of Appeals.

NANCY HODGINS,
Advocacy Coordinator.
EILEEN GOFF,
Executive Director.

JUNE 10, 2003.

DEAR SENATOR LEAHY: The disability community is opposed to the confirmation of Alabama Attorney General William Pryor because we do not believe a person with a disability would receive a fair hearing from a ''Judge Pryor.''

Why?

Pryor has demonstrated a commitment to extremism rather than to justice. Pryors right-wing ideology is far outside the mainstream of American legal thought.

William Pryor, nominated to the U.S. Court of Appeals for the Eleventh Circuit, has been a leader in the effort to limit congressional power to enact laws protecting civil rights. Pryor has prevailed in a series of 5–4 cases before the Supreme Court that have curtailed civil rights, including the Board of Trustees of Alabama v. Garrett, which successfully challenged the constitutionality of applying the Americans with Disabilities Act of 1990 to states as employers.

Pryor argued that the protections of the ADA were ''not needed'' to remedy discrimination by states against people with disabilities. This decision prevents persons with disabilities from collecting monetary damages from state employers. Most significantly, it has resulted in fewer attorneys being willing to represent individuals in ADA cases against state employers. Despite the massive record of egregious conduct toward individuals with disabilities by states that Congress had compiled—including instances of forced sterilization of individuals with disabilities, unnecessary institutionalization, denial of education, and systemic prejudices and stereotyping perpetrated by state actors—Pryor argued that states were actually in the forefront of efforts to protect the rights of individuals with disabilities.

Pryor has led the battle to undo the work of a democratically-elected Congress to legislate federal protections for American citizens. Despite widespread bipartisan support for the Americans wilh Disabilities Act, (ADA). Pryor said he was ''proud'' of his role in ''protecting the hard-earned dollars of Alabama taxpayers when Congress imposes illegal mandates on our state.''

Pryor is a leading architect of the recent ''states' rights'' or ''federalism'' movement to limit the authority of Congress to enact laws protecting individual and other rights. He is fighting to reverse the results of our nation's civil war and leave us with a patchwork of uneven civil rights protections dependent on an individual's zip code.

He personally has been involved in key Supreme Court cases that, by narrow 5–4 majorities, have restricted the ability of Congress to protect Americans' rights against discrimination and injury based on disability, race, and age. Worse, he has urged

the Court to go even further than it has in the direction of restricting congressional authority. Just last month, for example, the Court, in an opinion by Chief Justice Rehnquist, rejected Pryor's argument that the states should be immune from lawsuits for damages brought by state employees for violation of the federal Family and Medical Leave, Act.

VICTORIA WOLF,
Assistive Technology Specialist, Disability Resource Agency for Independent Living.

EASTERN PARALYZED VETERANS ASSOCIATION,
Jackson Heights, NY, July 14, 2003.

Hon. ORRIN G. HATCH,
U.S. Senate,
Washington, DC.

DEAR SENATOR ORRIN G. HATCH: The Eastern Paralyzed Veterans Association strongly opposes the confirmation of William Pryor to the Eleventh U.S. Circuit Court of Appeals. In the past, Mr. Pryor's attempts to limit Congressional authority in the area of disability rights have directly undermined the protections given to people with disabilities through the Americans with Disabilities Act (ADA) and other disability rights laws.

In *Board of Trustees of University of Alabama* v. *Garrett,* Mr. Pryor formulated the argument that Congress did not have the authority under the Constitution to apply the ADA to States in employment discrimination suits for damages. Additionally, Pryor successfully persuaded in 5–4 majority of the Supreme Court in *Alexander* v. *Sandoval* that individuals cannot sue to enforce regulations under Title VI of the Civil Rights Act of 1964. Since the decision was issued states have begun to use its reasoning in efforts to persuade the courts that people with disabilities should not be allowed to enforce regulations under the ADA and Section 504 of the Rehabilitation Act requiring reasonable accommodations, integration of individuals with disabilities, and accessible public housing.

Mr. Pryor's positions in these and other cases (i.e., *Pennsylvania Department of Corrections* v. *Yeskey* and *California Board of Medical Examiners* v. *Hason*) clearly represent an interpretation of the Equal Protection Clause, Spending Clause, and Commerce Clause that would dramatically restrict Congress's authority and hinder its ability to pass laws protecting the rights of Americans with disabilities, older workers, and others under the Constitution. For this reason, Eastern Paralyzed Veterans Association strongly urges you not to confirm Mr. Pryor to the court.

People with disabilities have fought long and hard to achieve the protections afforded by the ADA and like-minded laws. We must continue the fight to ensure that an activist court does not abridge these rights and protections. Please vote against William Pryor's confirmation.

Thank you.

Sincerely.

JEREMY CHWAT,
Director of Legislation.

INDEPENDENT LIVING CENTER OF SOUTHERN CALIFORNIA, INC.,
July 14, 2003.

TO WHOM IT MAY CONCERN: This letter is written on behalf of the Independent Living Center Of Southern California, to oppose the nomination of Mr. William Pryor, to the U.S. Court of Appeals for the Eleventh Circuit.

Please note that this nomination would gravely affect the civil rights of persons with disabilities.

Sincerely,

PETER HUARD,
Client Assistance Program.

THE FREEDOM CENTER, INC.
Frederick, MD, July 21, 2003.

JIM WARD,
Executive Director, ADA Watch Coalition, Washington, DC.

DEAR JIM: I am the Executive Director for the Freedom Center, a center for independent living in Frederick, MD. We empower persons with disabilities to lead self-directed, independent, and productive lives in a barrier-free community. We work to ensure the removal of physical and attitudinal barriers that are faced by Americans with disabilities.

We, on behalf of the disability community, are strongly opposed to the nomination of Alabama Attorney General William G. Pryor. We are strongly opposed to the confirmation of his appointment to the U.S. Court of Appeals for the Eleventh Circuit. This is a lifetime appointment which could eventually lead to an appointment to the Supreme Court. Attorney General Pryor's right-wing ideology is far outside the mainstream of American legal thought. He is responsible for the weakening of the ADA in recent Supreme Court battles. He took a position against Patricia Garrett in her case against the State of Alabama when she was wrongly discriminated against because of her disability. He followed her to the Supreme Court and was responsible for influencing the Supreme Court by hiring an extreme Federalistic, right wing, and a State's Rights activist lawyer to represent the State of Alabama. Because the Supreme Court ruled in favor of the State of Alabama against Ms. Garrett, the ADA has been weakened. One can no longer sue a state government or entity under the Federal ADA. It is Attorney General Pryor's belief that the ADA is unconstitutional. In this respect, he has undermined Congress's effort to protect all Americans regardless of what state they live in. He has attacked Section 504 of the Rehabilitation Act, the Individuals with Disabilities Educational Act, and all basic civil rights against people with disabilities. gender and race. He not only has held a position in the University of *Alabama* v. *Ganett* case but has filed Amicus Briefs in Pennsylvania *Dept. of Corrections* v. *Yeskey* and *Medical Board of California* v. *Hason*. He also took opposition to the *Alexander* v. *Sandoval* case. All of his oppositions also include running amok in his own state using the state laws to his own belief. It is because of his ideology that we have laws such as the Federal ADA, IDEA, Civil Rights, etc. The laws were implemented to protect Americans from individuals like him. Because of his track record, he cannot be a Federal Judge. A Federal Judge must be unbiased and have full understanding of the total law. A Federal Judge cannot interpret Federal laws to fulfill his own beliefs as a State's Rights activist. A Federal Judge cannot use his position to further his own cause. It is imperative that we do all that we can do to help our legislators to understand the importance of approving a nomination that is nonpartisan of any individual who would take his position seriously and for the good of the American people and not for his own beliefs or reasons.

You may sign our name to any petition or letter that opposes the confirmation of Alabama Attorney General William G. Pryor. You have permission to use our letter to give to members of Congress to help them to be our voices and understand why we are so opposed to his confirmation to the U.S. Court of Appeals to the Eleventh Circuit. Thank you very much for your attention to this very urgent matter. Let's all work together to prevent deteriorization to the ADA and other disability civil rights.

Sincerely,

JAMEY GEORGE,
Executive Director.

INDEPENDENT LIVING RESOURCE CENTER—SAN FRANCISCO,
San Franciso, CA, July 3, 2003.

Hon. DIANNE FEINSTEIN,
San Francisco, CA.

DEAR SENATOR FEINSTEIN: I am contacting you with great concern about the possible appointment of an anti-ADA judicial activist to the 11th Circuit Federal Court of Appeals, Alabama Attorney General Bill Pryor. I am asking you, on behalf of the over 150,000 people with disabilities in San Francisco that our agency represents to firmly oppose Mr. Pryor's appointment.

Attorney General Pryor has proved on many occasions that he is an opponent not only of the ADA, but of other civil rights legislation as well. Mr. Pryor did not support the passage of an Alabama State disability rights law; has opposed enforcement of ADA Title II to state prisons (arguments that were rejected by the U.S. Supreme Court); has supported denial of patients' rights for Medicaid recipients; among other affronts to civil rights. This is hardly a neutral judicial appointment.

We are concerned, Senator, that you hear the voices of your constituents with disabilities. We find it ironic on the eve of our country's 'independence day' that such an opponent of independence for people with disabilities should be a nominee to such a key judicial post. Please oppose this nomination.

Sincerely,

PAMELA S. FADEM,
Information Manager, ILRCSF.

Mr. HARKIN. Here are 68 different disability groups from all over the United States.

This is from the National Association of the Deaf:

> The National Association of the Deaf is opposing [Mr.] Pryor because of his outspoken activism against federal civil rights protections for people with disabilities and other minorities. His commitment is to ideology, not to justice.

Here is the Illinois/Iowa Center for Independent Living:

> We strongly feel that Mr. Pryor and his record as the Attorney General in Alabama do NOT support nor represent the millions of people with disabilities or their basic civil rights.

The National Disabled Students Association stated the nomination of Judge Pryor would be ''devastating to the rights of over 54 million Americans with disabilities protected by the Americans with Disabilities act. . . .''

So, Mr. President, there may be a lot of reasons that people have for opposing this nominee to go on the circuit court. I want to make it crystal clear that my major objection to this person going on the circuit court is his open, consistent, and persistent opposition to the Americans with Disabilities Act. He has made no secret of it. He does not think we had the power to pass it.

He said, in his own opinion, that we did not even document one single instance of unconstitutional conduct against people with disabilities. Well, I am sorry, courts have held differently: forced sterilizations of people with disabilities, forced institutionalizations of people who did not need to be institutionalized, denying people with disabilities educational opportunities. Maybe he never heard of the case of PARC v.

Pennsylvania. Perhaps he did not know that courts had held there was a record, a strong record, of discrimination in public education against kids with disabilities, not letting them go to school, denying them educational opportunities.

The courts held that as long as a State provides a free public education, just as they could not discriminate on the basis of race, or sex, or national origin, they cannot discriminate on the basis of disability either. So the courts held that there is a constitutional right for kids in our country to get a free, appropriate public education, as long as the State is providing that. The kids with disabilities have to be allowed in the public schools, also.

But for Mr. Pryor, no. He says, no, not even one instance do we have of an unconstitutional discrimination. I do not know where Mr. Pryor went to law school. I did not even look it up. It does not make any difference to me. But whatever he learned there he must have forgotten. It seems to me, here is an individual with an ideological perception that he is right and everyone else is wrong, that only he knows what is constitutional and not—not the Congress, not the Senate, not even the Supreme Court. He alone has a right to decide that. He alone has a right to decide whether people with disabilities are protected under the Americans with Disabilities Act.

We have come too far in our country. We spent years developing the Americans with Disabilities Act. When President Bush signed it in 1990, we had accumulated a voluminous record of discrimination, from the earliest childhood to the latter stages of life, with people with disabilities being discriminated against. We sought to remedy that with the Americans with Disabilities Act.

When it passed the Senate, I said it was the proudest day of my legislative career, and it still is—when the ADA passed the Congress and was signed into law. And we have not looked back. We look around our country now and we see people with disabilities in education, traveling, going out to eat, holding down good jobs, getting the civil rights that all the rest of us enjoy.

But for Mr. Pryor, people with disabilities do not have those rights. They only have the right—these are my own words—it seems to me Mr. Pryor has said, in his decisions and in his writings and in his perceptions of the Americans with Disabilities Act, that people with disabilities only have the right to be pitied, they only have the right to get whatever it is that those of us who are not disabled choose to give to them.

Well, I am sorry, that is not enough. People with disabilities have every right, Mr. President, that you and I have. So it is for that reason, that he has gone out of his way—I could see if a judge made one mistake and maybe made a decision but came back and rectified it, looked at the law, looked at the history, but Mr. Pryor did not do that. He did not go back and look at the history of the ADA. He did not go back and find out all these examples that we had come up with that is in the record. He just simply said: I know what is best. I know what is best for people with disabilities.

Well, people with disabilities have been hearing that for far too long in our country: We know what is best for you—that paternalizing attitude. People with disabilities said: No, we are going to be on our own. We are going to have our own civil rights. We are going to decide our own future. We are going to decide how we want to live, not how you, the Government, or you, society, want us to live.

Well, we have come a long way in 15 years since the ADA was signed. This is one circuit court judge who would turn the clock back. And he will get these cases. He will get them. And people with disabilities will be on the short end of the stick.

So for that reason, and perhaps a lot of other reasons but for that reason alone—for that reason alone—Mr. Pryor should not be confirmed for this circuit court position.

With that, Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I rise in strong support of the nomination of William Pryor to the U.S. Court of Appeals for the Eleventh Circuit or, to put it more precisely, I rise to support the permanent appointment of Judge William Pryor to the Eleventh Circuit.

Judge Pryor's credentials, his character, and commitment to judicial restraint already make a compelling case for his appointment. His continuing service on the Eleventh Circuit only adds to that compelling case.

I urge my colleagues to vote for confirmation so Judge William Pryor can continue to be a valuable member of the U.S. Court of Appeals.

Debate about this nomination did not just begin. President Bush nominated William Pryor more than 2 years ago. During a lengthy hearing before the Judiciary Committee in June 2003, he answered more than 185 questions. It has now become common practice for Senators to deluge a nominee with post-hearing written questions. Judge Pryor answered nearly 300 of those as well. The Judiciary Committee debated this nomination during three different business meetings and favorably reported it twice here to the Senate floor where we have already debated it in the context of two previous attempts to invoke cloture.

Here we are debating the Pryor nomination again. I am one of many Senators who believes we should have confirmed this nomination a long time ago. Yesterday more than one of our Democratic colleagues complained that we are debating judicial nominations when, they said, ''we should be doing legislative business.'' That is exactly what we would be doing were it not for the confirmation obstruction campaign led by those very same Democratic Senators. They are the ones who met in 2001 to change the confirmation ground rules. They are the ones who demand dozens and dozens of unnecessary rollcall votes that have eaten up literally days of floor time. They are the ones who launched this campaign of outrageous and unprecedented judicial filibusters.

Our Democratic colleagues have changed the way we do judicial confirmation business in the Senate, and that has changed the way we do legislative business. They have no one to blame but themselves. To come in here and complain that we are not doing the business of the people when one-third of the separated powers in this country involves judges is pretty much out of line.

Under the standards the Senate traditionally applied to judicial nominations, we would already have confirmed the nomination before us. Although some across the aisle have attempted to change the ground rules, I am pleased we have now invoked cloture and are in the final stretch of debate on this very important nomination. There is light at the end of the confirmation tunnel.

We have become accustomed to the pattern of attack by those who oppose President Bush's judicial nominees. They equate a nominee's personal views with that nominee's judicial views. They create the most wretched and distorted caricature of a nominee, turning him into some creature one might see on ''Law and Order'' or ''America's Most Wanted.''

What it boils down to is the wrong-headed notion that no one who thinks for himself, who does not toe the left-wing line, whose perspective or values did not turn the liberal litmus paper the right—or left—color, or who as a judge may fail consistently to deliver politically correct results is acceptable. These advocates of an activist judiciary are not foolish enough to attack every nominee. They will remind us of how many of this President's judicial nominees they have supported. But the circumstances that have brought us here today demonstrate the confirmation ground has shifted.

I urge my colleagues not to be persuaded by the caricatures created by Washington-based lobbyists and left-wing groups which need to send out the next fundraising appeal. Instead I urge my colleagues to listen to those who actually know William Pryor, who have worked with William Pryor, because they are among his strongest supporters.

Dr. Joe Reed, chairman of the Alabama Democratic Conference—yes, that is right, the Alabama Democratic Conference, the State Democratic Party's African-American caucus—knows William Pryor. He has worked with William Pryor, and he strongly supports William Pryor. Note what Dr. Joe Reed has to say about this nominee.

He says that William Pryor:

> will uphold the law without fear or favor. I believe all races and colors will get a fair shake when their cases come before him. I am a member of the Democratic National Committee and, of course, General Pryor is a Republican, but these are only party labels. I am persuaded that in General Pryor's eyes, Justice has only one label—Justice!

Any of us would certainly be hard pressed to come up with a better endorsement or a more substantive compliment for any judge on any court anywhere in America.

Listen to Alvin Holmes, an African American who has served in the Alabama House of Representatives for nearly three decades. He introduced a bill to remove the State Constitution's ban on interracial marriage. Representative Holmes says that while white political leaders in the State, Democrats and Republicans, either opposed the bill or kept quiet, then-Attorney General William Pryor spoke out. William Pryor urged Alabamans to vote for removing the ban on interracial marriage and then, when it passed, he defended the measure in court against legal challenge.

Representative Holmes knows William Pryor. He has worked with William Pryor, and he strongly supports William Pryor. Listen to what Representative Holmes says about this nominee, this African-American leader of the Alabama House of Representatives:

> I request your swift confirmation of Bill Pryor to the 11th Circuit because of his constant efforts to help the causes of blacks in Alabama.

Or consider the opinion of Judge Sue Bell Cobb who sits on the Alabama Court of Criminal Appeals. This is what she says:

> I write, not only as the only statewide Democrat to be elected in 2000, not only as a member of the Court which reviews the greatest portion of General Pryor's work, but also as a child advocate who has labored shoulder to shoulder with General Pryor in the political arena on behalf of Alabama's children. It is for these reasons and more that I am indeed honored to recommend General Pryor for nomination to the 11th Circuit Court of Appeals.

That is the Honorable Sue Bell Cobb, judge of the Alabama Court of Criminal Appeals.

Think about that. These are people who know William Pryor. These testimonies—and there are many more like them—describe a man who cares deeply about what is right and who has the character to do what is right, no matter what the political cost. People such as these are in the best position to know the real William Pryor. If this were a court of law, their testimony would be deemed especially credible. Theirs is not hearsay testimony such as we are hearing from some with the other side. They are not repeating someone's talking points. They are not offering generalities or clichés.

Talking points, generalities, and clichés, however, are all that Judge Pryor's opponents have to offer. The far left-wing Washington-based lobbyists who appear to make their living opposing President Bush's judicial nominations repeat the same rhetoric about nominee after nominee. Sometimes I wonder whether they put together their press releases and action alerts simply by cutting and pasting in the name of a new nominee.

They use the same mantra now, saying Judge Pryor is hostile to civil rights, hostile to virtually every right under the sun. Perhaps he is also the cause of childhood asthma, global warming, and rising interest rates.

I would listen to the people I have just quoted who know the man. They are all Democrats, by the way.

If there is any reason to believe such a thing as these awful comments that have been made by our colleagues on the other side, then these left-wing Washington lobbyists should be able to convince Dr. Joe Reed, Alvin Holmes, and Judge Sue Bell Cobb that Judge William Pryor is hostile to civil rights. I wish them luck because I know they can't do that. And they know they can't do it. That is what is reprehensible.

Perhaps the most important element of judicial duty is the commitment to follow the law regardless of personal views. Throughout his career William Pryor has not just stated such a commitment to judicial restraint, he has demonstrated it. We all know, for example, that William Pryor is pro-life. His belief in the sanctity of human life no doubt helps explain his advocacy for children. Like millions of Americans, most Alabamians apparently share such pro-life values. In 1997, the State legislature enacted a ban on partial-birth abortion. If William Pryor were what his critics claim, that would surely have been his chance to take a stand, stake a claim, defy the Supreme Court, and to seek to impose his personal moral code. He did no such thing, proving once again that his critics are flat wrong.

(Mr. ALEXANDER assumed the chair.)

Mr. HATCH. After the U.S. Supreme Court ruled in Stenberg v. Carhart that a State legislative ban on partial-birth abortion is unconstitutional, Attorney General William Pryor instructed State law enforcement officials to abide by that decision, even though he personally disagreed. The Senator from Tennessee, Mr. ALEXANDER, presiding in the Chair right now, reminded us earlier today that this was at General Pryor's own initiative. The law, not his personal views, formed how he carried out his official duties.

Attorney General Pryor filed an amicus brief in the Lawrence v. Texas case defending a State's right to prohibit certain sexual conduct. Alabama had a statute similar to the Texas statute being challenged in that case. When the Supreme Court ruled against his position, he immediately released an official statement that the Supreme Court decision rendered Alabama's law unenforceable.

Similarly, the entire country knows that as Alabama Attorney General, William Pryor took an unpopular stand regarding the Ten Commandments display in the Alabama judicial building. One respected religious magazine placed a picture of Judge Pryor on its cover with a headline asking whether his legal stance amounted to political suicide. It is clear that Judge Pryor places the law above personal priorities and political expediency. This stuff about following the law rather than personal opinions is not rhetoric, talking points, or window dressing. This is not just William Pryor's stated commitment, this is his demonstrated commitment.

It is a record that makes former Alabama Attorney General Bill Baxley, another Democrat, strongly support Judge Pryor's nomination. Here is what General Baxley, a leading Democrat in Alabama, said about William Pryor:

> In every difficult decision he has made, his actions were supported by his interpretation of the law, without race, gender, age, political power, wealth, community standing, or any other competing interest affecting judgment. I often disagree, politically, with Bill Pryor. This does not prevent me from making this recommendation because we need fairminded, intelligent, industrious men and women, possessed of impeccable integrity, on the Eleventh Circuit. Bill Pryor has these qualities in abundance. . . . There is no better choice for this vacancy.

That is Bill Baxley, former Alabama Attorney General, leading Democrat in the State.

Just think about that. These Democratic leaders from Alabama paint a very consistent picture of William Pryor. He will uphold the law without fear or favor. He makes decisions without regard to political or irrelevant factors. He is fairminded, intelligent, and industrious. I certainly agree with this assessment, though it does not come first from the Senator from Utah. Democrats such as Dr. Joe Reed, Representative Alvin Holmes, Judge Sue Bell Cobb, and Attorney General Bill Baxley know the difference between private views and public duty. They know the difference between personal opinion and judicial opinion. And they strongly support William Pryor's nomination to the Eleventh Circuit.

I wish some of my Democratic colleagues and their left-wing enablers knew the difference. Instead they focus only on results. All that matters, it appears, is that a judge rules right or left, as the case may be.

On Tuesday a Democratic Member of this body summed up their results-oriented litmus test approach when he said:

with respect to a whole series of issues, this nominee is profoundly wrong.

No doubt each of us in this body has heard something like that in a campaign commercial. We might hear it here when the Senate is in legislative session. But this is a judicial nomination we are debating. What does it mean to say that the judicial nominee is wrong on the issues? Never mind being judicially correct, just be politically correct. Results are all that matters.

Yesterday during the debate on the Brown nomination, the Senator from California, Mrs. BOXER, took a similar tack. She put up one poster after another, each stating in the most simplistic terms the results of a case, and then claimed that Justice Brown personally favored the result for which she voted.

This insidious tactic claims, for example, that if a judge votes that the law does not prohibit racial slurs, then the judge must favor racial slurs. If a judge votes that the law does not prohibit an employer's hiring decision, then the judge must favor that hiring decision. In March of 2000, 29 current Senators, including my friend from California, Senator BOXER, voted against a constitutional amendment to allow protection of the American flag. How would any of them respond—how would the Senator from California respond—to the accusation that by that vote, they were siding with the flag desecraters?

That would be an outrageous charge, and we all know that.

Yet opponents of these judicial nominees, including the Senator from California, are using exactly the same tactic, exactly the same logic. They continue doing so in this debate over William Pryor's nomination. But this tactic misleads the American people about what judges do, and it twists and distorts these debates about whether to confirm judicial nominees.

I am reminded of a 1998 article written by the distinguished Judge Harry Edwards, appointed to the U.S. Court of Appeals for the DC Circuit by President Jimmy Carter, in which he warned that giving the public a distorted view of judges' work is bad for the judiciary and the rule of law. The tactics being used against nominees such as William Pryor are, indeed, giving the public a distorted view of judges' work.

Thankfully, Judge Pryor knows the difference between personal views and the law. He knows the difference between means and ends. And I am proud to say that Judge Pryor refuses to go down the politicized road of judicial activism. He has demonstrated where his commitment lies. He has shown, in each phase of his career, that he will follow the law.

Our colleague and my fellow Judiciary Committee member, Senator SESSIONS, has worked very hard to educate this body about this fine nominee. He has a special perspective on Judge Pryor's commitment to follow the law. He hired William Pryor in the Alabama attorney general's office and Judge Pryor replaced him when then-Attorney General SESSIONS joined us here in the Senate. I thank our colleague for his tireless and principled efforts. I know this Senator's understanding of this nominee is better as a result.

William Pryor is demonstrating that same commitment on the U.S. Court of Appeals for the Eleventh Circuit. That is exactly what America needs in her judges, and I urge my colleagues to support a permanent appointment for Judge William Pryor.

Mr. President, I have taken a minute or two over my allotted time. I apologize to my colleague.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I support the confirmation of William Pryor to the Eleventh Circuit. I think he is a truly outstanding individual and, most importantly, after all these years of waiting, I am pleased he is finally going to get an up-or-down vote on his nomination. I am pleased, in just a few hours, Bill Pryor will be confirmed as a Federal appellate judge. He more than deserves to be confirmed by the Senate. Bill Pryor is doing a great job now, and he will continue doing a great job in the future.

The problem is how we have gotten to where we are with the hangup and these judges not being voted on. I continue to be troubled by the road we have been going down in this judicial nomination process. Unfortunately for Bill Pryor, he has been one of the prime targets of the slash-and-burn program of the left-wing liberal interest groups. He and several other good candidates nominated by President Bush have been subject to off-base, trumped-up charges which just smear an individual's record without regard to the reality of that record.

We need to look at the merits of a candidate, and, on the merits, Bill Pryor is one of the more impressive nominees coming before the Senate.

William Pryor graduated magna cum laude from Tulane Law School, where he was editor in chief of the law review. He served as a law clerk to civil rights legend and champion Judge John Wisdom. He practiced law for several years before joining the attorney general's office in the State of Alabama. He also taught law as an adjunct professor at Cumberland Law School. So without a doubt, and going even beyond the good attributes I pointed out, Bill Pryor has the legal experience to serve on this Federal bench. But that is not all. William Pryor has the unwavering support of the people who knew him best—the citizens of his very own State of Alabama. His support among Alabama Republicans is near unanimous. But furthermore, and maybe more importantly, some of the most important members of the Alabama Democratic leadership are just as supportive of this Pryor nomination.

For example, the chairman of the Alabama Democratic Conference, which is the State Democratic Party's African-American caucus, said that Bill Pryor is a first-class public official who will be a credit to the judiciary and a guardian of justice.

Former Democratic Gov. Don Siegelman described Bill Pryor as an incredibly talented, intellectually honest attorney general who calls the issues like they ought to be called.

These are just some of the comments made by Democrats, of which I am aware, who support this good man.

But that does not seem to stop some groups or people inside the beltway from upping that ante and spreading lies. The usual suspects are back in the saddle again, however, with a vengeance to mischaracterize this man's record and drag his good name through the mud.

But if one really takes a close look at Bill Pryor's record, one can only find that he is a man who embodies the characteristics that any Federal judge ought to have. The fact is that William Pryor is a man who puts law before politics. The role of a Federal judge, as all my colleagues know and as best stated by Chief Justice John Marshall, is to ''say what the law is.''

That is exactly upon which Bill Pryor has built a distinguished law career. The truth is, in the face of opposition from both Democrats and Republicans, Bill Pryor has steadfastly based his legal decisions on court rulings and not on his own political beliefs. Bill Pryor's actions are the only record that we need to look at to see that this is an individual who truly believes in the rule of law. He is the right man for the job, and we should keep this man on the Eleventh Circuit Court.

I have looked at Bill Pryor's record and some of the allegations made against him. Bill Pryor wins hands down, no contest.

I would like to refer to an article in the ''Mobile Press Register,'' ''Civil Rights Guardian, Outstanding Nominee.'' In this article, Willie Huntley took the opportunity to distinguish the views of Alabamians and most Americans from those shared by some inside-the-beltway, left-wing interest groups. Mr. Huntley is an African-American attorney. He is from Bill Pryor's hometown. He expressed why the people of Alabama should continue to trust in this man, Bill Pryor, rather than in the liberal special interest groups, such as People for the American Way, organizations that are so powerful here with some Members of Congress.

I would like to read some of what this article has to say about Bill Pryor, again, emphasizing Willie Huntley, an African-American attorney from Bill Pryor's hometown:

> People for the American Way asserts that Pryor's appointment would devastate civil rights. What its people don't say is that after about 100 years of inaction by other leaders, Bill Pryor led a coalition that included the NAACP to rid the Alabama Constitution of its racist ban on interracial marriage.

Bill Pryor then defended the repeal against a court challenge by a so-called Confederate organization. Our Attorney General also took the side of the NAACP in successfully defending majority-minority voting districts—all the way to the U.S. Supreme Court—against challenges by white Alabama Republicans.

Bill Pryor further opposed a white Republican redistricting proposal that would have hurt African-American voters. He did not back down to criticism from his own party—not one inch.

He then played a key role in the successful prosecution of former Ku Klux Klansmen Bobby Frank Cherry and Thomas Blanton, Jr., for the 1963 bombings of the 16th Street Baptist Church in Birmingham.

Pryor started a mentoring program for at-risk kids and regularly goes to Montgomery public schools to teach African-American kids to read.

Because Bill Pryor has a civil rights record that very few can equal, it is no wonder that African-American leaders who know and who have worked with him—like Artur Davis, Joe Reed, Cleo Thomas, and Alvin Holmes—support his nomination to the Eleventh Circuit Court of Appeals.

Ignoring Pryor's defense of voting rights for African-Americans, People for the American Way charges that he opposes the landmark Voting Rights Act. The truth is, he has dutifully enforced all of the Voting Rights Act every time a case has come up.

The article goes on to conclude:

The truth and the record show that Bill Pryor has fought for the civil rights and voting rights of African-Americans in Alabama when People for the American Way were nowhere to be found. Now that President Bush has nominated Pryor to a Federal judgeship, People for the American Way assumes that it can come here and attack him. . . .We who actually know Bill Pryor support him 100 percent.

Mr. President, I ask unanimous consent to print in the RECORD the article from which I quoted so people can read it in its entirety.

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

[From CFIF.ORG]

CIVIL RIGHTS GUARDIAN, OUTSTANDING NOMINEE

(By Willie J. Huntley Jr.)

The Washington-headquartered, liberal witch-hunt against President Bush's federal judicial nominees has targeted its next victim, and it is one of our own: Bill Pryor, the attorney general of Alabama.

Among those leading the charge against Pryor is the mis-named group People For the American Way. This should be no surprise; PFAW has led vicious attacks against Attorney General John Ashcroft, Justice Clarence Thomas, Priscilla Owen, Miguel Estrada and numerous other Republican nominees.

PFAW is a radical leftist group that has supported broad court protection for child pornography; burning the American flag, and publicly funded art portraying the Virgin Mary splattered with elephant dung. Most recently, PFAW helped coordinate protests against the war in Iraq—the war in which some Alabamians gave their lives for their country.

PFAW is funded by the pornography industry and Hollywood radicals, including Playboy magazine, the Screen Actors Guild, and the Center for Alternative Media & Culture. (And they call Bill Pryor an extremist.)

PFAW asserts that Pryor's appointment would devastate civil rights. What its people don't say is that after about 100 years of inaction by other leaders, Bill Pryor led a coalition that included the NAACP to rid the Alabama Constitution of its racist ban on interracial marriage.

Pryor then defended the repeal against a court challenge by a so-called Confederate heritage organization.

Our attorney general also took the side of the NAACP in successfully defending majority-minority voting districts—all the way to the U.S. Supreme Court—against a challenge by white Alabama Republicans.

Bill Pryor further opposed a white Republican redistricting proposal that would have hurt African-American voters. He did not back down to criticism from his own party—not one inch.

He then played a key role in the successful prosecution of former Ku Klux Klansmen Bobby Frank Cherry and Thomas Blanton Jr. for the 1963 bombing of the Sixteenth Street Baptist Church in Birmingham. In fact, he will personally argue to uphold Blanton's murder conviction before the Alabama Court of Criminal Appeals later this month.

Pryor started a mentoring program for at-risk kids, and regularly goes to Montgomery public schools to teach African-American kids to read.

Because Bill Pryor has a civil rights record that very few can equal, it is no wonder that African-American leaders who know and have worked with him—like Artur Davis, Joe Reed, Cleo Thomas and Alvin Holmes—support his nomination to the 11th Circuit Court of Appeals.

Ignoring Pryor's defense of voting rights for African-Americans, PFAW charges that he opposes the landmark Voting Rights Act. The truth is, he has dutifully enforced all of the Voting Rights Act every time a case has come up.

Pryor has simply stated that a procedural part of the Voting Rights Act—Section 5—has problems that Congress should fix. Section 5 requires federal officials in Washington to approve even minor changes in voting practices that have nothing to do with discrimination.

For example, last year, Pryor issued an opinion that required a white replacement candidate for a deceased white state legislator to get Washington approval under Section 5 to use stickers to put his name on the ballot over the name of the deceased candidate.

Thurbert Baker, the African-American Democratic attorney general of Georgia, has voiced similar concerns about Section 5 before the U.S. Supreme Court.

Undeterred, PFAW and its allies also charge that Pryor believes in ''states' rights''—their code words for racism. The truth is that he believes in the Constitution. He has fought to protect the state's treasury from lawsuits that would have taken our tax dollars away from the state—away from salaries for teachers and medical care for poor people.

It is the job of an attorney general to defend his client—the state. In fact, the key Supreme Court case on defending a state from lawsuits was won not by Pryor, but by Democratic Attorney General Bob Butterworth of Florida.

Democratic attorneys general like Eliot Spitzer of New York, Jim Doyle of Wisconsin and others have all made the same arguments to defend their state budgets. I guess they are all ''right-wing extremists,'' too.

PFAW and its allies have also attacked Pryor for being extremist on abortion rights. As a dedicated Roman Catholic, Bill Pryor loves kids and is against abortion, no doubt about it.

But even though he disagrees with abortion, he instructed Alabama's district attorneys to apply Alabama's partial-birth abortion law in a moderate way that was consistent with U.S. Supreme Court precedent.

Again, he was criticized by Republicans; pro-life activists accused him of gutting the statute. Again, he didn't back down.

Not surprisingly, PFAW and its allies have attacked Pryor for supporting the display of the Ten Commandments in courthouses. But Pryor simply took the position that if a representation of the Ten Commandments can be carved into the wall of the U.S. Supreme Court's courtroom, it can be placed in an Alabama courtroom.

PFAW also has attacked Pryor for the position he took in the Alexander vs. Sandoval case, in which a person who didn't speak English sued to force Alabama to spend its money on printing driver's license tests in foreign languages.

As broke as our state is, there are better things to spend our money on—like teaching kids to read English so they can take the test and read road signs, and also paving the roads for them to drive on. Pryor fought this attempt to drain our state budget, and the U.S. Supreme Court agreed with him.

The truth and the record show that Bill Pryor has fought for the civil rights and voting rights of African-Americans in Alabama when PFAW was nowhere to be found. Now that President Bush has nominated Pryor to a federal judgeship, PFAW assumes that it can come here and attack him.

I, for one, suggest that PFAW pack up its pro-pornography, flag-burning, anti-religious, attack-dog tactics and go back to Hollywood and Washington.

We who actually know Bill Pryor support him 100 percent.

Mr. GRASSLEY. Mr. President, I hope my colleagues will see through all the smoke and mirrors that have been kicked up by groups such as the People for the American Way. I hope my colleagues will take a very close look at the facts and reject those allegations that are not true, just as many Alabamians have so rejected because the people who know this man best ought to be the ones to whom we listen.

I hope that Bill Pryor's true record will shine through and that my colleagues will join me in supporting his nomination.

I close by, once again, telling my Senate colleagues that if the role of a Federal judge is to say, as Chief Justice John Marshall said, ''to say what the law is,'' then there are very few candidates as qualified as William Pryor.

Being a good judge is not about doing what is popular, and it is not for sure about giving in to liberal special interest groups, and it certainly is not about legislating the left-wing's agenda from the bench. Being a good judge is about fairly applying the law, fairly applying the law no matter who the person is, no matter how unpopular the cause or the argument being advocated is. It is not the role of a judge, nor should it ever be the role of a judge, to serve as a puppet to the popular position. That is what William Pryor has built his career on—the rule of law, enforcing the law, carrying out the law.

I know that is what William Pryor will continue to do when he is finally confirmed by this Senate for the Eleventh Circuit Court of Appeals.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I understand we are under a time consideration. I believe I have half an hour. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. Will the Chair remind me when I have 5 minutes remaining?

The PRESIDING OFFICER. The Chair will do that.

Mr. KENNEDY. Mr. President, I urge my colleagues to oppose Mr. Pryor's nomination. Contrary to the widespread impression of a partisan breakdown in the judicial nominations process, Democrats in this closely divided Senate have sought to cooperate with the President on the issues. And we have largely succeeded. We have confirmed 210 of President Bush's nominees in the past 4 years; 96 percent of the nominees have been confirmed.

Only 10 nominees did not receive the broad bipartisan support needed for confirmation, because their records showed that they would roll back basic rights and protections.

Mr. Pryor's nomination illustrates the problems. His views are at the extreme right wing of legal thinking. It is clear from his record that he does not deserve confirmation to a lifetime seat on an appellate court that often has the last word on vital issues for millions of people who live in Alabama, Georgia, and Florida, the States that comprise the Eleventh Circuit.

Mr. Pryor is no true conservative. He has sought to advance a radical agenda contrary to much of the Supreme Court's jurisprudence over the last 40 years, and at odds with important precedents that have made our country more inclusive and fair.

Mr. Pryor has fought aggressively to undermine the power of Congress to protect civil and individual rights. He has tried to cut back on the Family and Medical Leave Act, the Americans with Disabilities Act, and the Clean Water Act. He has been contemptuously dismissive of claims of racial bias in the application of the death penalty, and has relentlessly advocated the use of the death penalty, even for persons with mental retardation. Mr. Pryor has even ridiculed the current Supreme Court Justices, calling them ''nine octogenarian lawyers who happen to sit on the Supreme Court.'' He even has his facts wrong. Only two of the nine Justices are 80 years old or older.

In addition to these serious substantive concerns, his nomination was rushed through the Judiciary Committee in violation of the committee's rules, before the committee could complete its investigation of major ethical questions raised by the nominee's own testimony at his hearing and by his answers and non-answers to the committee's follow-up questions. When these serious problems in Mr. Pryor's record prevented him from receiving the Senate support needed for confirmation, President Bush made an end-run around the constitutional system of checks and balances by giving him a recess appointment during a brief Senate recess that was, in all likelihood, an unconstitutional use of the recess appointment power.

In the last Congress, some Members of the majority presented a version of the history of the nomination and the committee's investigation which did not comport with the facts. The history is important, because it shows that Democrats have in fact acted expeditiously and responsibly, and that the rush to judgment in the committee in the last Congress was clearly an effort to cut off a needed further investigation.

As the extraordinary rollcall vote in the Judiciary Committee on July 23, 2003 shows, every member of the minority voted, ''no, under protest for the violation of Rule IV.''

Democrats did not invent the issue that provoked such an unprecedented protest. Years before Mr. Pryor's nomination, lengthy articles in Texas and D.C. newspapers raised the question of the propriety of the activities of the Republican Attorneys General Association.

It was reported that the organization sought campaign contributions to support the election of Republican attorneys general, by arguing they would be less aggressive than Democratic attorneys general in challenging business interests for violations of the law. Some descriptions of this effort characterized it as a ''shakedown'' scheme.

The leaders of the association denied the allegations, but refused to disclose its contributors. They were able to maintain their secrecy by funneling the contributions through an account at the Republican National Committee that aggregated various kinds of State campaign contributions, and avoided separate public reporting of the contributions or the amount of their gifts.

The issue received significant press coverage during the 2002 Senate campaign in Texas, especially after several Republican attorneys general denounced the association as fraught with ethical problems.

Because Mr. Pryor had been identified publicly as a leader of the association's efforts, and the ethical issues raised by it were obviously relevant to his qualifications, he was asked about the issue at his nomination hearing and in written follow-up questions. His responses avoided the issue and raised more questions than they answered.

In July 2003, the Judiciary Committee began a bipartisan investigation of the matter, in accordance with an investigative plan provided to the majority. No witnesses were ever questioned under oath as part of the investigation, and in fact, the investigation was cut short by the committee majority almost as soon as it began. The Republican investigator actually instructed interviewees that they did not have to answer questions from the minority investigator, or comply with document requests from the minority.

As a result, all of the committee Democrats, having considered the information available up to that point, wrote to the chairman and informed him that the investigation was producing serious and disturbing information, that it would require substantial additional time, that his investigators were interfering with it, and that after it was complete, the minority members would want to question the nominee under oath.

The Republican staff had offered informal staff interviews with the nominee before that time, but the Democratic investigators had, as any serious investigator would, declined that offer until the basic investigative work had been done. In any event, the Democratic members wanted to question the nominee in person under oath at the appropriate time.

At the committee meeting to consider the issue, the chairman rejected the minority's unanimous request out of hand. He insisted on a vote on the nomination without completion of the investigation and without further questioning of the nominee under oath. That was the situation when Senator LEAHY invoked the committee's rule IV to prevent a premature vote on the nomination. The party line vote was 10–9.

The fact that no minority member was among the 10 should have prevented an immediate vote on the nomination and allowed the investigation to continue. But the chairman refused to follow rule IV and insisted on an immediate vote.

The 9 Democrats on the committee all voted against reporting the nomination, each noting an objection to the violation of rule IV.

The 10 Republicans voted to report it, with one Republican stating that his vote to report it did not mean he would necessarily vote for the nominee on the floor. He also stated that he would want to review the results of the investigation with the nominee before any Senate vote.

Despite the lack of cooperation from the majority staff, the minority staff attempted to obtain further information, and did develop new information which expanded both the scope and the gravity of our original concerns. However, in the face of the majority's refusal to cooperate, a further investigation involving the witnesses was impossible.

I mention this to make clear that the matters raised by this investigation are very serious, and we should not sweep these questions under the rug. We are not doing our job in reviewing this nomination if we look the other way in the face of these serious ethical questions. The Judiciary Committee should have completed the investigation in 2003, reviewed its findings, heard from the nominee under oath,

and then decided whether he should be listed for debate and consideration.

This year, when the committee again considered Judge Pryor's nomination, the majority offered to permit a few phone calls to witnesses whose telephone interviews were not completed or who could not be found in 2003. That offer was appreciated, but, as was obvious from the first call, it was too little and too late.

The well of evidence had been poisoned by the majority investigator's negative statements to witnesses in 2003, and now it would take an even more concerted inquiry to elicit the full story from witnesses who were adverse to begin with. Nevertheless, because some day that story will probably come out, this aspect of the nomination remains a ticking-ethical time bomb.

The rush to judgment on this nomination is particularly troubling, given the serious substantive problems in Mr. Pryor's record. His supporters say that his views have gained acceptance by the courts, and that his legal positions are well within the legal mainstream, but many disagree. Mr. Pryor has consistently advocated to narrow individual rights and freedoms far beyond what any court in this land has been willing to hold.

The Supreme Court rejected his argument that States could not be sued for money damages for violating the Family and Medical Leave Act. Had Mr. Pryor prevailed, it would have been far more difficult to protect workers who need time off because of their own health problems or to care for a loved one.

The Supreme Court also rejected Mr. Pryor's sweeping argument that Congress lacked authority to pass the Clean Water Act's protections for wetlands that are home to migratory birds.

The Court rejected his argument that States should be able to criminalize private sexual conduct between consenting adults. It rejected his far-reaching argument that counties should have the same immunity from lawsuits that Sates have. It rejected his argument that the right to counsel does not apply to defendants with suspended sentences of imprisonment. It rejected his argument that it was constitutional for Alabama prison guards to handcuff prisoners to hitching posts for hours in the summer heat.

Mr. Pryors opposition to the rights of the disabled is particularly disturbing. In one case, in an opinion Justice Scalia, the Supreme Court unanimously rejected his argument that the Americans with Disabilities Act does not apply to State prisons.

In another case, the Supreme Court rejected his view that provisions of the act ensuring that those with disabilities have access to public services are unconstitutional. In that case, a plaintiff who uses a wheelchair had challenged the denial of access to a public courthouse. He had refused to crawl up the courthouse stairs to reach the public courtroom. In his brief in the case, Mr. Pryor argued that Congress has no power to require States to make public facilities accessible to the disabled. He argued that denying access to courthouses does not violate the principle of equal protection, because the disabled have no absolute right to attend legal proceedings affecting their rights.

In arguing that the legislative history did not show a need for them to act, Mr. Pryor dismissed congressional findings of discrimination against the disabled, and evidence that the University of Georgia had located its office of handicapped services in an inaccessible second-floor room. According to Mr. Pryor, such ''anecdotes provide no indication of the extent of the inaccessibility, or whether the inaccessibility lacked a rational basis and was therefore unconstitutional.'' That is nonsense. It is obvious that the wording of this legislative history clearly describes the extent of the inaccessibility. And there is no rational justification for a State university to put an office serving disabled students in an inaccessible second-floor location.

The Supreme Court also rejected Mr. Pryor's radical view of what constitutes cruel and unusual punishment in the use of the death penalty. It rejected his argument that executing retarded persons does not offend the eighth amendment. The Eleventh Circuit, a court dominated by conservative, Republican appointees, later unanimously rejected Mr. Pryor's attempt to evade the Supreme Court's decision. He had tried to prevent a prisoner with an IQ of 65, who even the prosecution agreed was mentally retarded, from raising a claim that he should not be executed.

The Supreme Court also rejected his attempt to limit the right to counsel for the poor. Mr. Pryor argued that the poor have no right to counsel in misdemeanor cases, even if they risk imprisonment if found guilty. He told the Court during oral argument that it is reasonable for the State to preserve its own resources, just as a more affluent defendant would preserve its resources and not incur the cost of counsel in this kind of circumstance. The Supreme Court held that the right to counsel when the accused faces possible imprisonment is more important than Mr. Pryor's financial concern.

Again and again, his far-reaching arguments like these have been rejected by the courts. Mr. Pryor is not a nominee within the legal mainstream.

He and his supporters pretend that he is only ''following the law,'' but in fact Mr. Pryor repeatedly tried to make different law, using the Alabama Attorney General's office as a political platform for his own radical agenda.

We are expected to believe that despite the intensity with which he has advocated for these radical legal positions and the many years he has devoted to dismantling basic rights, he will start to ''follow the law'' if he receives a lifetime appointment to the Eleventh Circuit. Repeating that mantra again and again and again in the face of his extreme record does not make it credible that he will do so.

His many inflammatory statements show that he lacks the temperament to serve on the Federal court. He ridiculed the Supreme Court of the United States for granting a temporary stay of execution in a capital punishment case. Alabama was one of only two States in the Nation that uses the electric chair as its sole method of execution. The Supreme Court granted review to determine whether the use of the electric chair was cruel and unusual punishment.

For Mr. Pryor, however, the Court should not even have paused to consider the Eighth Amendment. He said the issue: should not be decided by nine octogenarian lawyers who happen to sit on the Supreme Court. This does not reflect the thoughtfulness we seek in our Federal judges.

He is dismissive of concerns about fairness in capital punishment and the possible execution of persons who are innocent. He has stated: make no mistake about it, the death penalty moratorium movement is headed by an activist minority with little concern for what is really going on in our criminal justice system.

On the issue of women's rights, Mr. Pryor has criticized constitutional protections against gender discrimination. He dismissed as ''political correctness'' the Supreme Court's decision that a State-run military academy could not deny admission to women because of stereotypes about how women learn.

In a 1997 statement to Congress, Mr. Pryor opposed section 5 of the Voting Rights Act, which has been indispensable in ensuring that all Americans have the right to vote, regardless of race or ethnic background. He called this important law an affront to federalism and an expensive burden that has far outlived its usefulness.

In March, we commemorated the 40th anniversary of Bloody Sunday, in which Martin Luther King, Congressman JOHN LEWIS, and others were brutally attacked on a peaceful march in Mr. Pryor's home State of Alabama while supporting the right to vote for all Americans, regardless of race. Yet we are now being asked by the administration to confirm a nominee who opposes the Voting Rights Act.

The Supreme Court has repeatedly upheld the constitutionality of section 5, but Mr. Pryor's derisive statements—criticizing both the act and the Supreme Court itself—give no confidence that he will enforce the law's provisions. There is too much at stake to risk confirming a judge who would turn back progress on protecting the right to vote.

It is no surprise that this nomination is opposed by leaders of the civil rights movement, including the Reverend Fred Shuttlesworth, a leader of the Alabama movement for civil rights,

the Reverend C.T. Vivian, and many of Dr. Martin Luther King's other close advisors and associates.

It is clear that Mr. Pryor sees the Federal courts as a place to advance his political agenda. When President Bush was elected in 2000, Mr. Pryor gave a speech praising his election as the ''last best hope for federalism.'' He ended his speech with these words—a ''prayer for the next administration: Please God, no more Souters.'' He was referring to Justice Souter, a Republican nominee to the court, whose opinions Mr. Pryor apparently disagreed with.

In another speech, he said he was thankful for the Bush v. Gore decision. I wanted Governor Bush to have a full appreciation of the judiciary and judicial selection so we can have no more appointments like Justice Souter.

Some have argued that Mr. Pryor's record in his year as a recess appointee on the Eleventh Circuit somehow erases his long career of opposition to fundamental rights. The fact that Mr. Pryor has voted with other judges during the period when he was temporarily appointed to the court says nothing about what he would do if given a lifetime appointment and the freedom from Senate oversight. It is no wonder that he might be cautious when he only has a temporary appointment to the court. We should not be swayed by ''confirmation conversions,'' and especially not by ''recess appointment conversions.''

My colleagues on the other side have brought up every argument they could find to save him. His record is full of examples of extreme views, and they try to rebut each one. They call Senate Democrats and citizens who question Mr. Pryor's fitness—including more than 204 local and national groups—a variety of names. They even accuse us of religious bias.

They claim that those who oppose Mr. Pryor's nomination do so because of his faith. That's ridiculous given the record. Such a claim is unworthy of the Senate. Most of us would have had no idea what religious views are held by Pryor, or any other nominee, if Republicans had not raised the issue.

The real question is why, when there are so many qualified Republican attorneys in Alabama, the President would choose such a divisive nominee? Why pick one whose record raises so much doubt as to whether he will be fair? Why pick one who can muster only a rating of partially unqualified from the American Bar Association?

At stake is the independence of our Federal courts. We count on Federal judges to be intelligent, to have the highest integrity, to be open-minded. Most of all, we count on them to treat everyone fairly and not to prejudge a case based on ideology. Mr, Pryor is free to pursue his agenda as a lawyer or as an advocate, but he does not have the open-mindedness and fairness needed to be a Federal judge, and I urge my colleagues to defeat this nomination.

Mr. President, I have, I believe, just a few minutes left. How much time do I have?

The PRESIDING OFFICER. The Senator has 7 minutes.

Mr. KENNEDY. Mr. President, I have pointed out at other times in recent days that we have been tied up with these Federal judges—the handful of Federal judges who will have enormous impact in terms of our court systems—we have been tied up with this issue for weeks and weeks when this President could have appointed, as I mentioned in the final moments of my speech, outstanding, distinguished jurists who could have gone through here like 95 or 96 percent of the other nominees.

While we have been taking weeks and weeks, let me just mention a few of the things that have been happening that are affecting real American families. Let's just take the last week, for example. Let's take the New York Times last Sunday:

Tax Laws Help to Widen the Gap at the Very Top. The share of the Nation's income earned by those in the uppermost category has more than doubled since 1980.

There is a long article about what is happening in our country between the working families, middle-income families, and the super-wealthy, and the reasons for it. Are we debating or considering or thinking about doing anything about that? No, not the Senate.

Here is Monday, New York Times:

College Aid Rules Change and Families Pay More.

Are we doing anything about that this week? Are we having a debate on that issue, about what we can do to make college tuition more available to families here in the United States? No, no. That is not on the agenda.

Then look at Tuesday:

Pension Law Loopholes Help United Hide Its Troubles.

Loopholes in the federal pension . . . allow United Airlines to treatment its pension fund . . . solid for years when in fact it was dangerously weakened.

And it basically collapsed.

Pensions, retirement for working families, a matter of principal concern for millions of our workers—are we doing very much about that on the floor of the Senate? No.

Wednesday:

G. M. Will Reduce Hourly Workers by 25,000. General Motors said Tuesday it will cut 25,000 from its blue collar workforce.

We don't have a silver bullet to answer that, but don't we think we should be thinking about, if we lost 25,000 workers, what we ought to do and what we might do in terms of helping working families and looking at an industry? That was Wednesday.

Here we have Thursday, front-page story:

Limit for Award in Tobacco Case Set Off Protests.

The Justice Department's decision to seek $10 billion instead of what the professional attorneys in the Justice Department said that they should, $130 billion.

They were going to use that $130 billion to educate primarily teenagers, primarily teenage girls. Four thousand teenagers start smoking every day, and 2,000 become addicted. Try to educate them with $130 billion? What happened to the Justice Department? They threw in the towel. You would think we would talk about that.

That is in this last week. These issues affect middle-income working families, and what do we spend our time on here in the Senate for the last 6, 7, 8, 9 weeks? Debating these judges, when we know if we had a President who would offer nominees in the mainstream of judicial thinking, those individuals would be confirmed, like 96 percent of them were. Then perhaps we would have a chance to do something that has been talked about on every front page of every newspaper just this last week and that affects in a very real and important way the quality of life of children in this country, working families, and retirees.

Finally, I think I join with Senator LEVIN and Harry Reid, wondering why in the world next week we are not going to be considering the Defense Authorization bill instead of going to the Energy bill. We need an energy bill but, as has been pointed out by the supporters of the Energy bill, passage of that bill will not reduce the gas price by 1 cent. The Defense Authorization bill will send a very clear message about our commitment on death benefits, on uparmoring humvees, on looking after families in terms of health insurance—all of these issues that are out there. We would send a very clear message that the Senate of the United States is behind that reauthorization. We may have our questions about Iraq policy, but everyone in this body supports our troops. Why aren't we considering the Defense Authorization bill?

These are some of the concerns many of us have who think this Senate is not meeting its responsibilities to the American people or to our national security and defense.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

Mr. SPECTER. Mr. President, I have sought recognition to support the nomination of Judge William H. Pryor, Jr., to be a judge for the Eleventh Circuit. It has been divided.

Judge Pryor comes to this position with a very distinguished record. He graduated from Northeast Louisiana University in 1984, magna cum laude; from the Tulane University School of Law in 1987, again magna cum laude; was editor-chief of the Law Review of the Tulane University School of Law, which is no minor achievement. There

are not too many editors-in-chief around. That is quite an accomplishment. So the academic career is really extraordinary.

Following graduation from law school, he was law clerk to Judge John Minor Wisdom for the Court of Appeals for the Fifth Circuit, a very distinguished jurist. A I speak on this subject, the Presiding Officer is Senator LAMAR ALEXANDER, who, as I recollect, was also a law clerk to Judge John Minor Wisdom and, on the recommendation of Senator ALEXANDER, he spoke very highly of William Pryor, the people who knew him in a very distinguished clerkship, one of America's great, historical jurists. Bill Pryor was his law clerk.

He then had a distinguished record in the practice of law, working for the firm of Cabaniss, Johnston, Gardner, Dumas & O'Neal; was an adjunct professor at the Samford University, Cumberland School of Law; and came back into the practice of law for 4 more years with Walston, Stabler, Wells, Anderson & Bains. Then, from 1995 to 2004, he was Deputy Attorney General and also Attorney General of the State of Alabama and has been on the U.S. Circuit Court for the Eleventh Circuit now for a year, having obtained an interim appointment from President Bush.

Judge Pryor has been criticized for his views, expressed very forcefully, in opposition to the decision of the Supreme Court of the United States in Roe v. Wade. The quotation attributed to him was that it was the ''worst abomination of constitutional law in our history,'' which is pretty strong language. That is about as strong as you can get.

The issue is not what is his personal view of Roe v. Wade. The issue is what would he do as a circuit court of appeals judge when faced with the responsibility to uphold the law of the land, of the Supreme Court.

This subject came up during the confirmation hearing of Judge Pryor before the Judiciary Committee on June 11, 2003. I propounded the following question to Judge Pryor:

> The Chairman [Senator HATCH at the time] has asked about whether you have made some comments which you consider intemperate, and I regret I could not be here earlier today, but as you know, we have many conflicting schedules. But I note the comment you made after Planned Parenthood v. Casey, where you were quoted as saying—first I would ask you if this is accurate. I have seen a quote or two not accurate. ''In the 1992 case of Planned Parenthood v. Casey the Court preserved the worst abomination of constitutional law in our history,'' . . . is that an accurate quotation of yours?
>
> Mr. PRYOR. Yes.

It is pretty hard to get a simple answer of a witness anywhere and I appreciated that kind of brevity.

I continued:

> Senator SPECTER. Is that one which would fall into the category that Senator Hatch has commented on, you wish you had not made?
>
> Mr. PRYOR: No, I stand by the comment.

Then I asked:

> Why do you consider it an abomination, Attorney General Pryor?

And he responded:

> Well, I believe that not only is the case unsupported by the text and structure of the Constitution. But it has led to a morally wrong result.

And he goes on to give his reasons for his conclusion.

He was very candid, very steadfast, and stood up to what he had said and was not running from it.

Later, he made it plain he would abide by the law of the land, that his personal views of Roe v. Wade were not determinative. The record shows my own view has been to uphold the Supreme Court decision in Roe v. Wade, a subject I will not discuss as to my own views, but I respect a difference of opinion.

In looking for the confirmation of a Federal judge, the issue is, will he follow the law of the land. He said he would and said so very emphatically on the record.

On March 3 of this year, I wrote to Senator REID because this question had come up. I cited the applicable page of the RECORD June 11, page 45 of the transcript where the following exchange occurred:

> Chairman HATCH. So even when you disagree with Roe v. Wade you would act in accordance with Roe v. Wade on the Eleventh Circuit Court of Appeals?
>
> Mr. PRYOR. Even though I strongly disagree with Roe v. Wade I have acted in accordance with it as Attorney General and would continue to do so as a Court of Appeals judge.
>
> Chairman HATCH. Can we rely on that?
>
> Mr. PRYOR. You can take it to the bank, Mr. Chairman.

Again, that is about as emphatic as you can be on that subject.

During the course of Judge Pryor's tenure on the Court of Appeals, he has handed down quite a number of opinions which show maturity, which show growth, and which undercut many of the objections of his critics.

I ask unanimous consent the relevant portions of the transcript I have just referred to from the Judiciary Committee hearing and the letter which I sent to Senator REID dated March 3, 2005, be printed in the RECORD at the conclusion of my statement.

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

(See exhibit 1.)

Mr. SPECTER. Shortly after becoming chairman of the Judiciary Committee, within a week, by memorandum dated January 12 of this year, I sent to all members of the Judiciary Committee a memorandum including summaries of some of Judge Pryor's statements which I thought merited analysis and reconsideration by those who had opposed him in the past. Those opinions included the decision in DIRECTV v. Treworgy, where Judge Pryor ruled against a major satellite transmission corporation, instead siding with a private citizen to shield him from liability. Also, a case on Judge Pryor's decision protecting religious liberty, Benning v. Georgia, also decided in the year 2004. A case illustrating Judge Pryor's protection of civil rights in the case of Wilson v. B/E Aerospace, Incorporated. A case which involved a district court's dismissal of a female employee's gender discrimination claims. Judge Pryor reinstated her claim of bias as to promotion and remanded back to the district court.

By way of amplification of the case I referred to on Benning v. Georgia, that involved a situation when the Georgia prison system refused an inmate's request to practice his Jewish faith. Judge Pryor enabled the prisoner to continue to worship in his preferred manner.

The case involving Sarmiento-Cisneros, where Judge Pryor ruled protecting immigrants' rights, involved a Mexican immigrant who desired to remain in the United States with his family. Judge Pryor vacated the deportation order, enabling the family to remain together, and brought a commonsense interpretation to a harsh ruling by the Bureau of Immigration and Customs Enforcement.

The case of Brown v. Johnson is an illustration of Judge Pryor's judgment and decision in protecting prisoners' rights. Judge Pryor recognized the need for improvement in the treatment of an inmate afflicted with HIV and concluded that prison officials were not sufficiently concerned about the serious medical needs under the Eighth and 14th Amendments.

Judge Pryor also stood by the petitioner, permitting him to proceed in forma pauperis.

Judge Pryor has faced, in his capacity as Attorney General of Alabama, quite a number of situations where he took positions which were very unpopular politically and contrary to his own views, but did so because of his determination and his recognition that he was supposed to uphold the law of the land.

In a very highly celebrated case nationally and internationally, as Attorney General for Alabama he proceeded against Alabama Chief Justice Roy Moore for refusing to remove the large depiction of the Ten Commandments on display in the Alabama Supreme Court after the Federal courts ruled the display was unconstitutional. In that case, Judge Pryor commented that his personal beliefs were contrary to what he was ruling. He took a lot of criticism from his Alabama constituency and when asked about his decision to enforce the law against Alabama Chief Justice Moore, Judge Pryor stated:

> This was not a tough call. I believe that our freedom depends on the rule of law. The reason the American experiment has been successful is because we are a nation of laws and not of men. No person is above the law. We have to abide by the law even when we disagree with it. That is the guiding principle of my public service.

Hard to structure a response better than that. Cannot do any better than

that, when you say you disagree with something and you disagree strongly, but you recognize your obligation to enforce the law.

On other occasions, then-Attorney General Pryor set aside personal beliefs and instructed State law enforcement officials to enforce the Supreme Court rulings. Shortly after the U.S. Supreme Court issued its ruling in Lawrence v. Texas, he released a press statement through the Web site of the Office of Attorney General saying that in light of the Supreme Court ruling in Lawrence:

the law of Alabama . . . which prohibits consensual sodomy between unmarried persons, is now unenforceable.

Similarly, after the Supreme Court ruled in Stenberg v. Carhart, which struck down a Nebraska law prohibiting partial-birth abortion, then-Attorney General Pryor issued a statement to State officials saying State officials ''are obligated to obey the Stenberg ruling until it is overruled or otherwise set aside.''

Judge Pryor's record shows commitment to improving race relations and protecting racial equality. As attorney general, Judge Pryor worked with President Clinton's U.S. attorney Doug Jones to prosecute former klansmen who bombed Birmingham's 16th Street Baptist Church in the 1960s which resulted in the death of four young girls. He helped to start a drive to rid the Alabama Constitution of its racist prohibition on interracial marriage and then stepped up to head the effort to end the ban, ultimately to its victory in November of 2000.

He dedicated much of his career to protecting the interests and the safety of women. As Attorney General, he supported and lobbied for legislation that created a State crime of domestic violence.

I ask unanimous consent the summaries of the cases which I referred to previously be printed in the RECORD, with a pertinent letter, at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 2.)

Mr. SPECTER. In conclusion, it is a very healthy situation in that we are now proceeding to take up these nominees individually. That is something which I had sought to do since taking over the chairmanship of the Judiciary Committee. We have moved ahead now with three controversial nominees. It is my hope we will continue to take up these nominees, one at a time, and evaluate them on their merits.

As I have said in a number of floor statements, we have reached the current confrontation because of a practice which goes back almost 20 years, starting with the last 2 years of the Reagan administration and continuing with 4 years of President Bush, and when the Democrats took control of the Senate and the Judiciary Committee, they stopped the processing of judges and slowed it down.

Then when we Republicans won the election in 1994, for the last 6 years of the Clinton administration we slowed down the process and tied up some 70 judges in committee, a practice that I objected to at the time, and supported Judge Paez and Judge Berzon and others. Then the controversy was ratcheted up with the unprecedented systematic filibustering of judges, and then the unprecedented move by President Bush in the interim appointment, after the Senate rejected a judge, albeit by the route of not getting cloture.

My time has expired, and I note the presence of the distinguished Democratic leader, so I yield the floor in midsentence, Mr. President.

EXHIBIT 1

Senator SPECTER. The Chairman has asked about whether you have made some comments which you now consider intemperate, and I regret, that I could not be here earlier today, but as you know, we have many conflicting schedules. But I note the comment you made after *Planned Parenthood v. Casey*, where you were quoted as saying—first I would ask you if this quote is accurate. I have seen a quote or two not accurate. ''In the 1992 case of *Planned Parenthood v. Casey* the Court preserved the worst abomination of constitutional law in our history,'' close quote. Is that an accurate quotation of yours?

Mr. PRYOR. Yes.

Senator SPECTER. Is that one which would fall into the category that Senator Hatch has commented on, you wish you had not made?

Mr. PRYOR. No, I stand by that comment.

Senator SPECTER. Why do you consider it an abomination, Attorney General Pryor?

Mr. PRYOR. Well, I believe that not only is the case unsupported by the text and structure of the Constitution, but it had led to a morally wrong result. It has led to the slaughter of millions of innocent unborn children. That's my personal belief.

Senator SPECTER. With that personal belief, Attorney General Pryor, what assurances can you give to the many who are raising a question as to whether when you characterized it an abomination and slaughter, that you can follow a decision of the United States Supreme Court, which you consider an abomination and having led to slaughter?

Mr. PRYOR. I would invite anyone to look at my record as Attorney General, where I've done just that. We had a partial birth abortion law in our State that was challenged by abortion clinics in Alabama in 1997. It could have been interpreted broadly or it could have been interpreted narrowly. I ordered the district attorneys of Alabama to give it its narrowest construction because that was based on my reading of *Roe* and *Casey*. I ordered the district attorneys to apply that law only to post-viable fetuses. I could have read it easily more broadly. The governor who appointed me was governor at the time and a party to the lawsuit, disagreed with me and openly criticized me. A pro-life activist in Alabama criticized me. But I did it because I thought that was the right legal decision. I still had an obligation to defend Alabama law. This was a recently-passed Alabama law. When the Supreme Court of the United States later of course struck down this kind of partial birth abortion law, we conceded immediately in district court that the decision was binding, but until then I was making the narrowest argument I could make, trying to be faithful to the Supreme Court's precedent, while also being faithful to my role as Attorney General and my oath of office to defend a law recently passed by the legislature.

Senator SPECTER. When you talk about post-viability and you have the categorization of partial birth or late-term abortion, is not that statute necessarily directed toward post-viability?

Mr. PRYOR. That was one of the main arguments I made in construing it, but if you look at the actual language—

Senator SPECTER. Well, I asked you that question as to whether there was a basis for construing it to the contrary. When you talk about partial birth abortion, we are talking about an event in the birth canal which is definitely post-viability. When you talk about late-term abortion, we are also talking about post-viability. So aside from having some people who will raise a question about anything, whether there is a question to be raised or not, was it not reasonably plain on the face of the statute that they were talking about post-viability?

Mr. PRYOR. No, I don't think anyone would contend life. I believe that abortion is morally wrong. I've never wavered from that, and in representing the people of Alabama, I have been a candid, engaged Attorney General, who has been involved in the type of—

Chairman HATCH. What does that mean with regard to the Eleventh Circuit Court of Appeals? If you get on that court, how are you going to treat Roe v. Wade?

Mr. PRYOR. Well, my record as Attorney General shows that I am able to put aside my personal beliefs and follow the law, even when I strongly disagree with it, to look carefully at precedents and to do my duty. That is the same duty that I would have as a judge. Now, as an advocate for the State of Alabama of course I have an obligation to make a reasonable argument in defense of the law, but as a judge I would have to do my best to determine from the precedents what the law actually at the end of the day requires. My record demonstrates that I can do that.

Chairman HATCH. So even though you disagree with Roe v. Wade you would act in, accordance with Roe v. Wade on the Eleventh Circuit Court of Appeals?

Mr. PRYOR. Even though I strongly disagree with Roe v. Wade I have acted in accordance with this as Attorney General and would continue to do so as a Court of Appeals Judge.

Chairman HATCH. Can we rely on that?

Mr. PRYOR. You can take it to the bank, Mr. Chairman.

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, March 3, 2005.

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

DEAR SENATOR REID: When we talked earlier this week, we discussed the question of whether or not Judge Pryor had testified that he would follow Roe v. Wade. I have had the transcript reviewed from Judge Pryor's hearing on June 11, 2003. I think that you will find the following exchange between Senator Hatch and Judge Pryor, which can be found on page 45 of the transcript, dispositive:

Chairman HATCH: So even though you disagree with Roe v. Wade you would act in accordance with Roe v. Wade on the Eleventh Circuit Court of Appeals?

Mr. PRYOR: Even though I strongly disagree with Roe v. Wade I have acted in accordance with it as Attorney General and would continue to do so as a Court of Appeals Judge.

Chairman HATCH: Can we rely on that?

Mr. PRYOR: You can take it to the bank, Mr. Chairman.

I am enclosing a copy of the transcript.

Sincerely,

ARLEN SPECTER.

EXHIBIT 2

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, January 12, 2005.

TO MEMBERS OF THE SENATE JUDICIARY COMMITTEE: As you know, Judge William Pryor has been sitting on the United States Court of Appeals for the Eleventh Circuit for the past eleven months. The President has stated his intention to re-submit Judge Pryor's name for confirmation to the Eleventh Circuit. In light of his expected renomination, I have asked my staff to examine Judge Pryor's Eleventh Circuit opinions.

I thought you might be interested in knowing some more about these opinions. In particular, I'd like to bring to your attention several opinions that demonstrate Judge Pryor's willingness to protect the rights of individuals often overlooked in the legal system. It is my hope that these opinions and his record on the Eleventh Circuit for the past eleven months will be considered by the Committee on evaluating him on his re-nomination.

Sincerely,

ARLEN SPECTER.

MEMORANDUM

During his tenure on the Eleventh Circuit Court of Appeals, Judge William Pryor has authored several opinions demonstrative of his willingness to protect the rights of those often overlooked in the legal system.

Standing up to Corporations: *DIRECTV, Inc.* v. *Treworgy*, 373 F.3d 1124 (11th Cir. 2004)

Judge Pryor ruled against a major satellite-transmission corporation, siding instead with a private citizen to shield him from liability.

Background: DIRECTV (DTV), a provider of satellite television, encrypts transmissions of pay-per-view and premium programming. The security encryption can be illegally circumvented by using ''pirate access devices,'' which allow users to intercept and decrypt DTV's transmissions. Mike Treworgy bought two pirating cards, which enable someone with a satellite dish to receive signals without paying for the service. There was no evidence that Treworgy actually intercepted a signal wth his cards. DTV sued Treworgy for possessing these devices under the Electronic Communications Privacy Act of 1986 (Wiretap Act), which criminalizes the intentional manufacture, distribution, possession and advertising of piracy devices. Treworgy argued that the Wiretap Act did not create a private right of action against persons merely in possession of access devises.

Holding: The Eleventh Circuit, Judge Pryor writing, held that DTV did not have a private right of action against Treworgy for mere possession of intercepting technology, and required that the device must have been used to pirate programming before private rights of action arise. ''Congress chose to confine private civil actions to defendants who had 'intercepted, disclosed, or intentionally used' [a communication] . . . possession of a pirate access device alone, although a criminal offense, creates nothing more than conjectural or hypothetical harm.''

Protecting Religious Liberty: *Benning* v. *Georgia*, 2004 WL 2749172 (11th Cir. 2004)

When the Georgia prison system refused an inmate's requests to practice his Jewish faith, Judge Pryor enabled the prisoner to continue to worship in his preferred manner.

By finding that RLUIPA is a proper exercise of Congress' Spending authority, the Eleventh Circuit kept viable similar legal remedies for the elderly, disabled and other victims of discrimination.

Background: Ralph Benning, an inmate in the Georgia prison system, asserted that as a ''Torah observant Jew'' he was being prevented from fulfilling his religious duties, such as eating only kosher food, and wearing a yarmulke. Georgia moved to dismiss and argued that §3 of The Religious Land Use and Institutionalized Persons Act (RLUIPA) exceeds the authority of Congress under the Spending and Commerce Clauses, and violates the Tenth Amendment and the Establishment Clause. RLUIPA imposes strict scrutiny on federally funded programs or activities that burden the religious rights of institutionalized persons.

Holding: The Eleventh Circuit, Judge Pryor writing, rule that Congress did not exceed its authority under the Spending Clause in enacting §3 of RLUIPA. The court held that Congress' spending conditions need meet only a ''minimal standard of rationality.'' The court found that protecting religious exercise of prisoners is a rational goal, and the United States ''has a substantial interest in ensuring that state prisons that receive federal funds protect the federal civil rights of prisoners.'' The Eleventh Circuit also concluded that the statute did not violate the Tenth Amendment by infringing on areas reserved to the states, nor did it violate the Establishment Clause. Judge Pryor further recognized that, ''given the necessarily strict rules that govern every aspect of prison life, the failure of prison officials to accommodate religion, even in the absence of RLUIPA, would not be neutral; it would be hostile to religion.''

Protecting Civil Rights: *Wilson* v. *B/E Aerospace, Inc.*, 376 F.3D 1079 (11th Cir. 2004)

When the district court dismissed a female employee's gender discrimination claims, Judge Pryor reinstated her claim of bias as to a promotion, and remanded back to the district court.

Background: Loretta Wilson filed an employment discrimination action against B/E Aerospace, Inc. (B/E) alleging sex discrimination in violation of Title VII of the Civil Rights Act of 1964, as amended in 42 U.S.C. sections 2000e et seq., and the Florida Civil Rights Act, Fla. Stat. sections 760.01 et seq. She claimed that B/E discriminated against her on the basis of sex by not promoting her to the position of Site Vice President and by later terminating her.

Procedural Summary: B/E filed a motion for summary judgment at the conclusion of discovery. The district court granted the motion in its entirety finding that Wilson failed to both provide direct evidence of discrimination and establish a prima facie case of discrimination.

Holding: Judge Pryor, writing for the Eleventh Circuit, allowed Wilson's case to proceed against the corporation. Focusing on the two distinct types of conduct alleged—discrimination in promotion and discharge—the court concluded that an admission by a supervisor at B/E that Wilson was ''the obvious choice'' and the ''most qualified'' for the then-pending promotion created a genuine issue of fact, prompting Judge Pryor to remand as to the failure-to-promote claim. As to the discharge claim, the court concluded that Wilson had offered no evidence that her termination was based on sex.

Protecting Immigrant Rights: *Sarmiento-Cisneros* v. *U.S. Attorney General*, 381 F.3d 1277 (11th Cir. 2004).

Judge Pryor stood up for a Mexican immigrant who desired to remain in the United States with his family.

By vacating the deportation order, Judge Pryor enabled a family to remain together and brought a commonsensical interpretation to the harsh Bureau of Immigration and Customs Enforcement order.

Background: Jose Sarmiento-Cisneros was an alien from Mexico who was deported and then reentered the United States illegally, married an American citizen, and then applied for an adjustment of status before the effective date of 8 U.S.C. 1231(a)(5). The Bureau of Immigration and Customs Enforcement (BICE) sought to reinstate a removal order under 8 U.S.C. 1231(a)(5) and argued that the statute's provisions barring an alien from filing an application for discretionary relief apply retroactively.

Holding: After examining the statute, Judge Pryor, writing for the Eleventh Circuit, joined five other circuits in concluding that 8 U.S.C. 1231(a)(5) does not apply retroactively. The court therefore granted the petition for review and vacated the BICE deportation order. Sarmiento Cisneros was thus able to enjoy discretionary relief available to him prior to the BICE's rescission of the previously granted relief.

Protecting Prisoners' Rights: *Brown* v. *Johnson*, 387 F.3d 1344 (11th Cir. 2004).

Judge Pryor recognized the need for improved treatment for an inmate afflicted with HIV, concluding that prison officials were indifferent to his serious medical needs under the Eighth and Fourteenth Amendments.

Judge Pryor not only stood up for the prisoner, but enabled him to proceed in forma pauperis.

Background: John Brown, a prisoner in the Georgia State Prison, had been prescribed medication for HIV and hepatitis. Two months after this prescription had been granted, a different doctor ceased treatment. Eight months later, Brown filed a §1983 claim against the second doctor and the Medical Administrator for the Georgia State Prison alleging deliberate indifference to his serious medical needs in violation of the due process clause of the Fourteenth Amendment and the Eighth Amendment. Additionally, Brown filed a petition to proceed in forma pauperis.

Procedural Summary: The Prison Litigation Reform Act (PLRA) establishes the procedures for courts to use to assess prisoner complaints brought in forma pauperis. The provision of the PLRA in question, 28 U.S.C. section 1915(g) (often referred to as the ''three strikes rule''), bars a prisoner from proceeding in forma pauperis after he has filed three meritless lawsuits, unless the prisoner is in imminent danger of serious medical injury. A magistrate judge recommended that Brown's petition to proceed in forma pauperis be denied and that his complaint be dismissed without prejudice because Brown had filed at least three meritless lawsuits previously, and had not met the imminent physical injury exception. Brown then filed timely objections to the recommendation and he filed a motion to amend his complaint. The district court denied Brown's motion to amend his complaint because the complaint was subject to ''three strikes'' dismissal. Subsequently, the district court adopted the recommendation of the magistrate judge and dismissed Brown's complaint without prejudice. Brown then appealed, and the district court granted him permission to proceed in forma pauperis.

Holding: Judge Pryor, writing for the Eleventh Circuit, determined that the district court's dismissal of Brown's motion to amend his complaint under the PLRA, and its conclusion barring Brown from proceeding in forma pauperis, were in error. Further, Judge Pryor found that the district court abused its discretion in denying him the right to amend his complaint pursuant to FRCP 15. The amended complaint, sufficiently alleging imminent danger of serious physical injury under 28 U.S.C. 1915(g), permitted Brown to proceed in forma pauperis.

Finally, Judge Pryor found that Brown had stated a valid claim of deliberate indifference to serious medical needs under the Eighth and Fourteenth Amendments. Therefore the district court's judgment was reversed and remanded for further proceedings, effectively allowing Brown's suit to go forward, and enabling him to get necessary medical treatment.

(At the request of Mr. LEAHY, the following statement was ordered to be printed in the RECORD.)

• Mr. JEFFORDS. Mr. President, I would like to express my opposition to the nomination of William H. Pryor, Jr., to the Eleventh Circuit Court of Appeals.

Mr. Pryor has a distinguished legal career. He graduated magna cum laude from Tulane University Law School, clerked for a judge on the Fifth Circuit Court of Appeals, was a law professor at Samford University, and served as attorney general for the State of Alabama. While he deserves recognition for his legal background, that alone is not enough in my estimation to be confirmed for a lifetime appointment to the Federal bench. In my review of Mr. Pryor's statements, actions, and writings, I am concerned that Mr. Pryor's personal opinion, rather than the law, will compel his decisions in some cases.

My areas of concern arise in areas of the law that I have spent my career working to address, including the environment, reproductive rights, and gay rights.

On the environment, for example, Mr. Pryor urged the U.S. Supreme Court to declare unconstitutional Federal efforts to protect wildlife on private lands under the Endangered Species Act. In regard to this case, the lower court stated that Mr. Pryor's constitutional arguments would ''place in peril the entire federal regulatory scheme for wildlife and natural resource conservation.'' The case is Gibbs v. Babbitt.

In another important case, Solid Waste Authority of Northern Cook County v. United States, Mr. Pryor urged the Supreme Court to strike down Federal efforts to protect waters and wetlands that provide habitat for migratory birds. Finally, Mr. Pryor has advocated in testimony before the Senate that States should not be held accountable in court for failing to enforce minimum Federal standards from the joint hearing before the U.S. Senate Committee on Environment and Public Works and the U.S. Senate Committee on the Judiciary, July 16, 2002.

On reproductive rights Mr. Pryor in 1997 called the Roe v. Wade decision, ''the day seven members of our highest court ripped the Constitution and ripped out the life of millions of unborn children.'' In a speech during that same year, Mr. Pryor criticized the 1992 Supreme Court decision in Planned Parenthood v. Casey by stating that this decision ''preserved the worst abomination of constitutional law in our history: Roe v. Wade.''

Finally, during Mr. Pryor's career he has actively worked to oppose gay rights. In fact, he has gone so far as to seek out cases to file briefs, or spoken out on the merits of such cases, that have no connection to the job he was currently performing. For example, even though Alabama had no similar statute, Mr. Pryor filed an amicus brief in the Romer v. Evans case supporting Colorado's law prohibiting local governments from enacting laws protecting gays and lesbians from discrimination. In addition, despite the fact that the Lawrence v. Texas case did not involve Alabama law, Mr. Pryor's interest was so keen that he petitioned the Supreme Court for leave to participate in the oral argument and filed a brief on the merits of the case.

Some have argued that Mr. Pryor should not be held to all these briefs and statements because he was just doing his job and protecting the rights and positions of his client or employer. However, the problem with this argument is that many of the positions he has taken have not related to the requirements of the job he was performing, but were positions he singularly advocated because he believed in them and sought out cases to express and uphold his beliefs. It is this fact that concerns me and leads me to believe that Mr. Pryor will use his personal beliefs rather than settled law to decide cases.

His actions as a recess appointment to the Eleventh Circuit Court of Appeals have not diminished my concern, especially when Mr. Pryor was the deciding vote that prohibited the full Eleventh Circuit to consider the unique Florida law banning gay adoption. Given these facts and Mr. Pryor's history, I opposed limiting debate on his nomination in 2003, and continue to do so today.

Unfortunately, I will be necessarily absent for the votes that will occur related to this nominee. However, I feel it is necessary to express my position on this important nomination.•

Mrs. CLINTON. Mr. President, the nomination of William H. Pryor, Jr., to the Eleventh Circuit Court of Appeals is nothing more than a political promotion cloaked in the thin veil of a judicial nomination. Judge Pryor has been an active and dutiful soldier in the administration's systematic assault on the Constitution and individual rights, effectively making his nomination for a lifetime appointment to the Eleventh Circuit Court of Appeals political payback for a job perceived well done. Given Judge Pryor's disdain for the Constitution and individual rights, I encourage my colleagues to join me in opposing Judge Pryor's nomination.

If confirmed for a lifetime appointment to the Eleventh Circuit Court of Appeals, Judge Pryor would pose an enormous threat to the rights, protections, and freedoms of all Americans. Judge Pryor's professional record demonstrates a willingness to contort the law in order to make it fit his political agenda. During his 7-year tenure as attorney general of Alabama, Judge Pryor advanced his own personal, conservative agenda not only through litigation in which Alabama was a party, but also by filing amicus curiae briefs in cases in which Alabama was neither an interested party nor under any obligation to participate. As attorney general of Alabama, Judge Pryor amassed a stunning record replete with hostility for the rights of Americans and contempt for constitutionally mandated protections. In addition to attacking the validity of constitutional freedoms, Judge Pryor advocated for the dissolution of congressionally required protections intended to preserve individual rights, to safeguard our environment and to maintain the barriers that separate church and state.

Judge Pryor has advocated a view that the Constitution does not harbor some of our most critical individual rights and freedoms. He has taken the position that these freedoms should be decided by the States, based on majority vote, regardless of whether constitutional rights are violated. The danger of this simple thinking is of course to regionalize the Constitution, making one's constitutional rights dependent on where one resides. But much more egregious is what this proposal would do to our Bill of Rights; it effectively makes our inalienable rights as Americans open to public and political debate. This surely could not have been what the Framers envisioned when they drafted our Constitution.

Judge Pryor's general contempt for the Constitution is clear in the positions he advocated as attorney general of Alabama. In one amicus brief to the Supreme Court, Judge Pryor defended a State practice of handcuffing prisoners to a hitching post and exposing them to the hot sun for 7 hours at a time without water or bathroom breaks. This cruel and unusual brand of punishment advocated by Judge Pryor was later rejected by the U.S. Supreme Court, which held that ''the use of the hitching post under these circumstances violated 'the basic concept underlying the Eighth Amendment, [which] is nothing less than the dignity of man.' ''

Showing disdain for constitutionally protected reproductive freedom, Judge Pryor has called Roe v. Wade ''the worst abomination of constitutional law in our history.'' In this spirit, he has endorsed the formation of unconstitutional barriers that would thwart the practice of reproductive freedom, going as far as defending Alabama's so-called ''partial-birth abortion'' ban despite the fact that it lacked the constitutionally required exception to protect the health of the pregnant woman.

But Judge Pryor's attacks against privacy interests are not only relegated to reproductive rights. Judge Pryor believes that it is constitutional to imprison gay men and lesbians for having sex in the privacy of their own homes. In an amicus brief asking the Supreme Court to uphold Texas' ''Homosexual Conduct'' law, Judge Pryor

advocated criminalizing homosexual intercourse between consenting adults, ignoring the equal protection clause of the 14th amendment. In his brief on behalf of the people of Alabama, Judge Pryor equated sex between two consenting adults of the same gender with ''activities like prostitution, adultery, necrophilia, bestiality, possession of child pornography, and even incest and pedophilia . . .'' This is from a brief in Support of Respondent at 25, *Lawrence* v. *Texas*, 539 U.S. 558, 2003.

Judge Pryor's disrespect for the rule of law however, is not limited to his disregard for the Constitution. Judge Pryor has long been a foot soldier in the conservative movement's attack on the authority of Congress to enact laws protecting individual and other rights. He and like-minded conservative ideologues have hidden behind the labels ''States rights'' and ''federalism,'' when what they are truly advocating is the restriction of Congress to protect Americans' rights against discrimination and injury based on disability, race, and age.

Again as attorney general of Alabama, Judge Pryor abused his discretion, making Alabama the only State to file an amicus brief in support of striking down part of the Violence Against Women Act. As Alabama's attorney general, Judge Pryor filed briefs calling for the elimination of protections contained in the Family and Medical Leave Act, the Age Discrimination in Employment Act, the Clean Water Act, and the Endangered Species Act. On two separate occasions, he testified in Congress against EPA enforcement of the Clean Air Act and against key provisions of the Voting Rights Act.

In one Supreme Court case in which his office again filed an amicus brief, Judge Pryor urged the Supreme Court to hold that State employees cannot sue for damages to protect their rights against discrimination under the Americans with Disabilities Act. In a narrow 5-to-4 decision, the Court agreed with Judge Pryor's ''States' rights'' argument. After the decision, Judge Pryor expressed tremendous satisfaction for his part in dismantling a portion of one of this generation's seminal pieces of civil rights legislation. Judge Pryor said he was ''proud'' of his role in ''protecting the hard-earned dollars of Alabama taxpayers when Congress imposes illegal mandates on our state.''

Americans deserve better than this. They deserve even-tempered jurists who will not use the bench as a pulpit for the advancement of their own political agenda. Given Judge Pryor's disregard for individual rights, the Constitution and congressionally mandated protections, I cannot in good faith extend my constitutionally required consent to his nomination, and I encourage my Senate colleagues to again withhold their support as well.

Mrs. FEINSTEIN. Thank you, Mr. President.

I would like to discuss the nomination of William Pryor to the Eleventh Circuit Court of Appeals. I have closely reviewed Judge Pryor's record, and based upon it, I believe that Judge Pryor would have difficulty putting aside his extreme views in interpreting the law. Consequently, I do not believe that Judge Pryor should be confirmed to a lifetime appointment on the Eleventh Circuit Court of Appeals.

Before President Bush's recess appointment of William Pryor to the Eleventh Circuit in February 2004, Pryor had not been a judge. As a result, he lacks a record as a sitting judge through which his judicial temperament and impartiality may be examined. Consequently, one must look to Judge Pryor's actions and statements throughout his career.

In his career, Judge Pryor has primarily been a politician, and considering the vehemence with which he has advocated his political views, I have serious concerns that he can set aside those views and apply the law in an independent, non-partisan fashion.

First, I want to be very clear about one thing. My objection to confirming Judge Pryor to a lifetime seat on the Eleventh Circuit Court of Appeals has nothing to do with Judge Pryor's personal religious beliefs.

There are those who have been spreading the false statement that some Democrats vote against judicial nominees because of a nominee's religious beliefs. And that has been said about me. The majority leader even had on his Web site a newspaper column that says I voted against Judge Pryor because of his religious beliefs.

So I went back and I took a look at my statement on the floor, and I took a look at my statement in the Judiciary Committee markup, and they are both clear that my concerns with Judge Pryor have nothing to do with his religious beliefs. As I stated before this body in July of 2003:

> Many of us have concerns about nominees sent to the Senate who feel so very strongly and sometimes stridently and often intemperately about certain political beliefs, and who make intemperate statements about those beliefs.

So we raise questions about whether those nominees can truly be impartial, particularly when the law conflicts with those beliefs.

It is true that abortion rights can often be at the center of these questions. As a result, accusations have been leveled that, at any time reproductive choice becomes an issue, it acts as a litmus test against those whose religion causes them to be anti-choice.

But pro-choice Democrats on the Judiciary Committee have voted for many nominees who are anti-choice and who believe that abortion should be illegal—some of whom may . . . have been Catholic. I do not know, because I have never inquired.

So this is truly not about religion. This is about confirming judges who can be impartial and fair in the administration of justice.

Before the Judiciary Committee, I said of Judge Pryor that, ''I think his faith speaks favorably to his nomination and to his commitment to moral values, which I have no problem with. I would like people in the judiciary with positive and strong moral values.''

I am troubled that legitimate and serious concerns over Judge Pryor and other nominees have been brushed aside, and instead it is said that we on this side are trying to make a case against people of faith. That simply is not true.

Thomas Jefferson wrote of the establishment clause of the first amendment, ''I contemplate with sovereign reverence that act of the whole American people which declared that their legislature should 'make no law respecting an establishment of religion or prohibiting the free exercise thereof,' thus building a wall of separation between church and state.''

The Supreme Court has written that ''the most important of all aspects of religious freedom in this country is that of the separation of church and state.''

It is because the separation of church and state ensures religious freedom, that some of Judge Pryor's actions and statements concern me.

There are those who have minority-held religious views. There are those who have majority-held religious views. But one of the beautiful things about America is that it is a pluralistic society and that the government has stayed out of religion. The founding fathers, looking at the history of Europe, recognized the sectarian strife and religious oppression that can arise from favoring one religion over another. They came here and they founded a government where there was to be a distinct line drawn between government and religion, and it has served this country well.

So when people confuse arguments that are made to support the separation of religion and government with an opposition to people of faith, they could not be more wrong. And I think this has to be made increasingly clear. We've all seen the inflammatory ads. We've all heard the commercials.

I hope that a more responsible tone will be struck, because the value of the separation between church and state is based on the fact that once that bright line is broken, what one has to grapple with is which religion do you put in the courtroom? Which religion do you allow to be celebrated in a governmental framework?

If the separation of church and state, that has been a part of this nation since its founding, is abolished, these become very real and very disturbing questions.

Accordingly, I am extremely concerned by Judge Pryor's actions and statements promoting the erosion of the division between church and state.

As deputy attorney general and attorney general of Alabama, Judge Pryor vigorously defended the display of a statue of the Ten Commandments

in the Alabama supreme court. However, when questioned about whether it would be constitutional to display religious artifacts or symbols from other religions in the court room, Pryor was noticeably silent.

According to an April 4, 1997 Associated Press account, Pryor said that ''the State has no position on whether the Alabama supreme court Chief Judge's right to pray and have a religious display in his courtroom extends to people of other faiths.'' That Judge Pryor did not take that opportunity to make clear that all religions are equal before our courts is distressing.

Also while Deputy Attorney General, Judge Pryor defended the Alabama supreme court Chief Judge's practice of having Christian clergymen give prayers when jurors first assembled in his courtroom for a trial. Judge Pryor sought to have an Alabama trial judge declare this practice constitutional under the U.S. and Alabama constitutions. The trial judge ruled against Pryor, concluding that the prayer was unconstitutional.

The judge cited the Chief Judge's own statements that ''acknowledged that through prayer in his court, he is promoting religion.'' Pryor's decision to pursue this case despite the Chief Justice's own admission that the prayer was intended to promote religion—thereby violating the establishment clause of the Constitution—is perplexing.

It is imperative that our judges—particularly judges on our Courts of Appeals—respect and follow the law, especially the Constitution. I do not believe that a lawyer with Judge Pryor's record of consistent attacks on the establishment clause and the separation of church and state enshrined therein should be given a lifetime appointment to the Eleventh Circuit.

Another concern I have with Judge Pryor is the extreme positions he has advocated regarding a woman's right to choose. I have voted for numerous anti-choice judicial nominees. However, Judge Pryor's positions are beyond the mainstream even of those who oppose the right to choose. Furthermore, his incendiary remarks on the subject demonstrate not only a lack of appropriate judicial temperament, but a lack of respect for the Supreme Court.

Judge Pryor opposes abortion even in cases of rape and incest and supports an exception only where a woman's life is endangered. He has called Roe v. Wade ''the worst abomination of constitutional law in our history,'' and said, ''I will never forget January 22, 1973, the day seven members of our highest court ripped the Constitution and ripped out the life of millions of unborn children.''

As attorney general of Alabama, Judge Pryor called Roe and Miranda v. Arizona, the well known Supreme Court decision requiring that criminal defendants be informed of their right to remain silent, ''the worst examples of judicial activism.'' This depth of hostility to the established precedent of the Supreme Court is disquieting in an appellate court nominee.

At his confirmation hearing, Judge Pryor had the opportunity to clarify or step back from these inflammatory remarks. Nevertheless, he stood by his statement that Roe is the ''worst abomination of constitutional law in our history''—worse than Plessy v. Ferguson, the decision upholding segregation, the Dred Scott decision, which denied citizenship and court access to all slaves and their descendants, or the Korematsu case, validating the government's internment of Japanese citizens during World War II.

That a nominee for a court just below the Supreme Court believes that an existing precedent of the Supreme Court protecting a woman's right to choose is worse than long discredited decisions denying blacks citizenship or permitting segregation is deeply disturbing and out of line with the last hundred years of American jurisprudence.

In statements addressing the scope of Federal Government, Judge Pryor has promoted a role so limited that the Federal Government would be forced to abdicate many of its central responsibilities. For example, he has stated that Congress ''should not be in the business of public education nor the control of street crime.''

I do not believe that the Federal Government should ignore critical matters like education and crime, and neither do most Americans. However, my larger concern is not that Judge Pryor's position is contrary to my viewpoint or even that it is contrary to the views of most Americans, but that it is contrary to binding Supreme Court precedent establishing the breadth of the Federal Government's powers.

This extremely limited view of the role of Federal Government is reflected in the positions Judge Pryor has taken on a number of important issues.

Testifying before the Judiciary Committee as attorney general of Alabama in 1997, Judge Pryor urged the repeal of Section 5 of the Voting Rights Act, calling it an ''affront to federalism, and an expensive burden that has far outlived its usefulness.''

Section 5 of the Voting Rights Act requires any changes in voting laws in states with a specific history of voting discrimination to be pre-cleared by the Justice Department or the Federal District Court in Washington. D.C. to ensure they have no discriminatory purpose or effect. In this way, Section 5 of the Votings Rights Act has been a critical tool in guaranteeing the voting rights of minorities.

Today, Section 5 of the Voting Rights Act continues to ensure voting rights. In the last ten years, Section 5 of the Voting Rights Act has been applied in more than a half-dozen states to ensure that districts are not redrawn to intentionally dilute minority votes and that polling places are not moved for the primary purpose of discouraging minority voting.

Judge Pryor's strong criticism of this important safeguard of civil rights, particularly on federalism grounds—meaning he believes that the Federal Government has no right to intervene, even where a citizen's right to vote is threatened—concerns me.

One of Judge Pryor's legacies as attorney general of Alabama is his effort to weaken and undermine the Americans with Disabilities Act, passed in 1990 to protect the rights of the disabled. For example, in Tennessee v. Lane, Pryor, then attorney general of Alabama, submitted an amicus brief seeking to deny a disabled defendant access to his own trial.

Pryor argued that the constitutional guarantees of equal protection and due process ''do not require a State to provide unassisted access to public buildings'' and even took the extraordinary position that there is no absolute right for a defendant to be present at his own criminal trial, stating that ''even as to parties in legal proceedings, there is no absolute right to attendance.'' The Supreme Court rejected these extreme positions advocated by Pryor.

Pryor's repeated attempts to use judicial means to undo the legislation protecting basic civil rights raise questions about both his willingness to protect individual's civil rights and his propensity to judicial activism— using the courts as a partisan vehicle to undo legislation he does not support.

Supporters of Judge Pryor's nomination point to his brief record as a recess appointee to the Eleventh Circuit as evidence of Judge Pryor's ability to set aside his strong political views. While Judge Pryor, in his short tenure on the Eleventh Circuit has not authored any particularly controversial opinions, decisions he has written addressed what are largely technical and uncontroversial legal issues.

Judge Pryor's brief stint as a recess appointee may or may not offer a representative preview of the opinions he would render as a lifetime member of the Eleventh Circuit.

Ultimately, my concern is that Judge Pryor does not display the dispassionate, independent view that we want from our judges. While in private practice, Pryor's commitment to the Republican Party apparently interfered with his representation of clients. Valstene Stabler, a partner at the Birmingham firm of Walston, Stabler, Wells, Anderson & Baines, described Pryor as being ''so interested in what the Republican Party was doing in the state, he was having trouble devoting attention to his private clients.''

A Washington Post editorial observed that:

> Mr. Pryor's speeches display a disturbingly politicized view of the role of the courts. He has suggested that impeachment is an appropriate remedy for judges who ''repeatedly and recklessly . . . overturn popular will and . . . rewrite constitutional law.'' And he talks publicly about judging in the vulgarly political terms of the current judicial culture

war. He concluded one speech, for example, with the following prayer: ''Please, God, no more Souters'' a reference to the betrayal many conservatives feel at the honorable career of Supreme Court Justice David H. Souter.

Republicans who have worked with Judge Pryor have voiced concerns over his ability to be an independent, nonpartisan judge. Grant Woods, the former Republican attorney general of Arizona said that ''he would have great question of whether Mr. Pryor has an ability to be non-partisan. I would say he was probably the most doctrinaire and most partisan of any attorney general I dealt with in 8 years. So I think people would be wise to question whether or not he's the right person to be non-partisan on the bench.''

A judge must be able to set aside his views and apply the law evenly and fairly to all. Mr. Pryor's intemperate legal and political beliefs, and his strident statements and actions in furtherance of those beliefs, have led me to question whether he can be truly impartial.

Aside from his brief tenure on the Eleventh Circuit as a recess appointee, Judge Pryor has no judicial record upon which to evaluate him. Consequently, we must consider his fitness for the Eleventh Circuit on the basis of his actions and statements as deputy attorney general and attorney general of Alabama. Looking back on this highly partisan and controversial tenure, I cannot vote for Judge Pryor's confirmation to a lifetime appointment on the Eleventh Circuit Court of Appeals.

Mr. KOHL. Mr. President, I rise today to express my continued opposition to the nomination of William Pryor to be a judge on the Eleventh Circuit Court of Appeals. Judge Pryor's record was extensively considered and examined by the Senate when he was first nominated for this position in 2003. After he failed to obtain confirmation, President Bush used a recess appointment to appoint him to the Eleventh Circuit, an appointment that will expire at the end of the year, and now has renominated him to a permanent seat on the court. I find no reason today to alter my earlier conclusion that his record of extremism makes clear that he falls far outside the mainstream, and that I have no choice but to vote against his confirmation.

When considering a nominee to a Federal court judgeship, we consider many things. The nominee should possess exemplary legal skills, judgment, and acumen. The nominee should be learned in the law. And the nominee should be well regarded among his peers, and in his or her community. Perhaps most important of all is the nominee's judicial temperament.

An appeals court judge's solemn duty and paramount obligation is to do justice fairly, impartially and without favor. An appeals court judge must be judicious—that is, he or she must be open minded, must be willing to set his personal preferences aside, and judge without predisposition. And, of course, he or she must follow controlling precedent faithfully, and be able to disregard completely any views he or she holds to the contrary.

In the case of Judge Pryor, we are presented with a nominee whose views are so extreme that he fails this basic test. In case after case, and on issue after issue, Judge Pryor compiled a public record as Alabama's attorney general of taking the most extreme positions, often at odds with controlling Supreme Court precedent, and in the most hard-line and inflexible manner.

Judge Pryor's views are outside of the mainstream on issues affecting civil rights, women's rights, disability rights, religious freedom, and the right to privacy. During his confirmation hearings at the Judiciary Committee 2 years ago, he assured us that despite these views, he would follow settled law and Supreme Court precedent. But he made this promise only after making extreme statements to the Committee and during his hearing and refusing to disavow other zealous positions that he has taken throughout his career. I concluded then—and do not believe differently now—that I had no basis to believe Judge Pryor could put his personal views aside and apply the law of the land as decided by the Supreme Court.

Judge Pryor's supporters argue that his record in the year since he has sat as a judge on the Eleventh Circuit as a recess appointee demonstrates that he is worthy of confirmation. Yet, in each of the decisions that his supporters rely on for this judgment, Judge Pryor joined unanimous panels in supporting results virtually mandated by controlling precedent. Much more relevant than Judge Pryor's short and temporary tenure on the Eleventh Circuit is his record during all the years of his professional career prior to his recess appointment, especially his seven years of service as Alabama's attorney general, as well as his testimony before our committee in 2003.

And his record of extremism and ideologically motivated decision making during his years as attorney general could not be more clear. While attorney general of Alabama, Judge Pryor actively sought out cases where he could expand on his cramped view of federalism and challenge the ability of the Federal Government to remedy discriminatory practices. Many of the cases in which he took his most extreme legal positions were on behalf of the State of Alabama where he had the sole decision under State law as to what legal position to assert. These cases include his assertion of federalism claims to defeat provisions of the Age Discrimination in Employment Act and the Americans With Disabilities Act; his opposition to Congress's authority to provide victims of gender-motivated violence to sue their attackers in federal court; his argument that Congress exceeded its authority in passing the Family and Medical Leave Act; and many other cases. The extreme legal positions advanced in these cases were fully and entirely the responsibility of this nominee while he served as Alabama's attorney general.

Of course, Judge Pryor has every right to hold his views, whether we agree with him or not. He can run for office and serve in the legislative or executive branches should he convince a majority of his fellow Alabamians that he is fit to represent them. But he has no right to be a federal appeals court judge. Only those who we are convinced are impartial, unbiased, fair, and whose only guiding ideology is to follow the Constitution to apply equal justice to all are fit for this position. Unfortunately, we can have no confidence that he will set these views aside and faithfully follow the Constitution and binding precedent. For these reasons, I must oppose his confirmation.

The ACTING PRESIDENT pro tempore. Under the previous order, the time from 3:15 until 3:30 shall be under the control of the Democrats, and the time from 3:30 until 3:45 shall be under the control of the Democratic leader.

The Senator from Nevada.

Mr. REID. Mr. President, the time I have left over from the 15 minutes that is from 3:30 to 3:45 I will leave to Senator LEAHY. I am going to use part of his time now.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I rise to express my strong opposition to the nomination of William Pryor to the Eleventh Circuit Court of Appeals.

At the outset, let me note the unusual fact that we are considering whether to confirm this nominee to a court on which he has been sitting for over a year as a recess appointee. In my view) this nomination is entitled to no special deference as a result of the nominee's status as a sitting federal judge.

There are serious constitutional questions about the validity of Mr. Pryor's recess appointment, and his confirmation at this time does not answer those questions with regard to cases heard by this or other recess appointees. Nor should it embolden President Bush to continue the questionable practice of appointing judges without the advice and consent of the Senate.

I oppose this nominee because his views on a wide range of vital issues are far outside the mainstream of legal thought, and I question his ability to put those views aside to decide cases impartially.

I said during the floor debate yesterday that Janice Rogers Brown is President Bush's most objectionable nominee. But I want to be clear: on the critical issue of civil rights, William Pryor holds views that are equally offensive as those of Justice Brown. The Pryor nomination deserves to be defeated just as the Brown nomination deserved to be defeated.

Any analysis of Mr. Pryor's judicial philosophy should begin with his views on federalism. This nominee has been a self-styled leader of the so-called federalism revolution conservative legal circles, a movement that challenges the authority of Congress to remedy civil rights violations.

Now, I am certainly thankful that the Framers of the Constitution had the wisdom to create a Federal system that divided power between the national and State governments. But for Mr. Pryor, the word ''federalism'' is more than that—it is a code word or a systematic effort to undermine important Federal protections for the disabled, the aged, women, minorities, labor, and the environment.

While attorney general of Alabama, Pryor told a Federalist Society conference that Congress:

should not be in the business of public education nor the control of street crimes . . . With real federalism, Congress would . . . make free trade its main domestic concern. Congress would not be allowed to subvert the commerce clause to regulate crime, education, land use, family relations, or social policy . . .

One proponent of the federalism movement is Michael Greve, a conservative scholar at the American Enterprise Institute. Greve told the New York Times that:

what is really needed here is a fundamental intellectual assault on the entire New Deal edifice.

Greve said he thinks this attack on the New Deal will get a good hearing from judges like William Pryor. Greve says of Pryor:

[he] is the key to this puzzle; there's nobody like him.

Let's look at some of the bedrock laws that Mr. Pryor has challenged under the banner of federalism. Mr. Pryor has argued that the Federal courts should narrow, or throw out entirely, all or portions of the Americans with Disabilities Act, the Age Discrimination in Employment Act, the Civil Rights Act, the Clean Water Act, the Fair Labor Standards Act, the Family and Medical Leave Act, the Violence Against Women Act, and the Voting Rights Act.

What would America look like if this federalist revolution were to take hold in the Federal courts? University of Chicago Law Professor Cass Sunstein describes it well:

Many decisions of the Federal Communications Commission, the Environmental Protection Agency, the Occupational Safety and Health Administration and possibly the National Labor Relations Board would be unconstitutional. It would mean that the Social Security Act would not only be under political but also constitutional stress . . . the Securities and Exchange Commission and maybe even the Federal Reserve would be in trouble. Some applications or the Endangered Species Act and Clean Water Act would be struck down as beyond Congress's commerce power.

As attorney general of Alabama, Pryor had the sole power to decide what legal action the State and its agencies would take, and he used that power to file ''friend of the court'' briefs attacking many of these statutes. In fact, Alabama was the only State to file a brief against the Violence Against Women Act, while 36 States submitted briefs in support of the statute—which had passed Congress with bipartisan support.

With regard to the Voting Rights Act, Mr. Pryor had the following to say when he testified before Congress in 1997:

I encourage you to consider seriously, for example, the repeal or amendment of section 5 of the Voting Rights Act, which is an affront to federalism and an expensive burden that has far outlived its usefulness, and consider modifying other provisions of the Act that have led to extraordinary abuses of judicial power.

The Voting Rights Act is still of vital importance, and section 5 is one of its most important sections. I have grave concerns that if Mr. Pryor cannot understand the continuing need for voting rights protections for minorities, he is unlikely to rigorously enforce the act in cases before the Circuit. This is especially important since all of the States within the circuit are covered, in whole or in part, by Section 5.

Mr. Pryor has waged an assault on other civil rights laws. In the case of Alexander v. Sandoval, Pryor filed a brief for Alabama which urged the Court to drastically restrict title VI of the Civil Rights Act, which bars discrimination in federally funded programs. In a 5-to-4 opinion written by Justice Scalia, the Supreme Court agreed with Pryor and held that there is no private right of action to enforce title VI regulations. This ruling was a dramatic setback for the civil rights movement and continues to impede the enforcement of civil rights laws.

While five Supreme Court Justices agreed with Pryor about title VI, his outside-the-mainstream views have often been rejected by the current conservative Supreme Court. In fact, the Court unanimously rejected three of Mr. Pryor's federalism arguments: that sovereign immunity applies not only to States but to counties; that the Americans with Disabilities Act does not apply to State prisons; and that a law barring a State from selling the personal information of its citizens without permission is unconstitutional.

It is no wonder that the Atlanta-Journal Constitution, in an editorial entitled ''Right-wing Zealot is Unfit to Judge,'' wrote that Mr. Pryor's nomination:

is an affront to the basic premise that a candidate for the federal bench must exhibit respect for established constitutional principles and individual liberties. Pryor may be a good lawyer and a faithful Republican, but his lifelong extremism disqualifies him for a federal judgeship.

And there is more.

There is Mr. Pryor's view of the equal protection clause, which led him to oppose a 7-to-1 ruling by the Supreme Court that opened the Virginia Military Institute, a State-funded university, to women. Predictably, Mr. Pryor called that case an example of the Supreme Court being ''both anti-democratic and insensitive to federalism.''

There is Mr. Pryor's contempt for what he called the ''so-called wall of separation between church and state'' and his belief that this important doctrine was created by ''errors of case law.'' In fact, Mr. Pryor remarked at a graduation ceremony that ''the challenge of the next millennium will be to preserve the American experiment by restoring its Christian perspective.''

There is his view of the Constitution's prohibition on cruel and unusual punishment. The Supreme Court—which has not exactly been liberal on this issue—rejected Mr. Pryor's argument that prison guards could handcuff prisoners to a hitching post in the Alabama sun and deny them bathroom breaks or water. It also rejected his argument that it is permissible to execute the mentally retarded. It also rejected his argument that counsel need not be provided to indigent defendants charged with a misdemeanor that carries a jail sentence.

Is this the kind of judge we want to confirm to a lifetime seat on a Federal appellate court?

Do we want a judge who, when the Supreme Court questioned the constitutionality of Alabama's use of the electric chair in 2000, lashed out at the Court by saying ''[T]his issue should not be decided by nine octogenarian lawyers who happen to sit on the U.S. Supreme Court''?

Do we want a judge who, on the day after the Supreme Court's final ruling in Bush v. Gore, said:

I'm probably the only one who wanted it 5–4. I wanted Governor Bush to have a full appreciation of the judiciary and judicial selection so we can have no more appointments like Justice Souter.

On another occasion he said:

Please God, no more Souters.

This kind of temperament served Pryor well as a Republican politician, but this doesn't represent the kind of judicial temperament we want on the Federal bench.

The Senate must exercise its advice and consent responsibility with great care. In fact, we should follow Mr. Pryor's own advice. He once told a Senate subcommittee that:

your role of advice and consent in judicial nominations cannot be overstated.

I agree with him on that point. For these reasons, I urge my colleagues to withhold the in consent to this very unacceptable nomination.

Mr. President, I apologize to my friend. Since he was not here, I used my time a little early. So the record is clear, my friend is the great Senator PAT LEAHY from Vermont.

Mr. LEAHY. I thank the Senator.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, how much time is available?

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Vermont has such time until 3:45 remaining.

Mr. LEAHY. I appreciate that.

Mr. President, last month 80 American service men and women died in Iraq, along with more than 700 Iraqis. This week, there are reports that the Army National Guard and the Marines are not meeting their recruitment goals, in spite of the bonuses and benefits being offered. The price of gasoline, prescription drugs, health care, and so many essentials for American working families are rising a lot faster than their wages. This week, the Washington Times reported that the rate of increase in the Consumer Price Index doubled in the last year. This week, we have learned that General Motors has planned to lay off another 25,000 workers and that other companies are not expanding or are, even worse, downsizing. The report of only 78,000 jobs created last month puts us back to the dismal levels that have characterized so many months during this administration. A loss of our manufacturing jobs continues at a steady drip. Millions are suffering and dying in Africa. The British Prime Minister visited to urge greater efforts to help.

But, of course, we debated none of these issues in the Senate. The Republican leadership continued to force us to expend our precious days debating something else. And what is that? The Senate's time has been focused not on these things that touch the pocketbooks of Americans but almost exclusively on this administration's divisive and contentious judicial nominees.

Over the last several months, and for many days and weeks over the last few years, the work of the Senate has been laid aside by the Republican leadership to force debate after debate on divisive nominations, on people who are going to be paid almost $200,000 a year in lifetime jobs. Those who are barely able to make their week's rent or their month's mortgage ask what we are doing in the Senate.

Among the matters the Senate has neglected this week in order to devote its attention to these nominations are many issues that concern the American people. One matter is the consideration and passage of the NOPEC bill. It is bipartisan legislation. It affects all Americans, Republicans and Democrats. Senator DEWINE, a Republican of Ohio, Senator KOHL, a Democrat of Wisconsin, are key sponsors. The sponsors of the bill include Senator GRASSLEY, Senator SPECTER, Senator COBURN, and Senator SNOWE.

With an increase in gasoline prices of almost 50 percent during the four years of the Bush Presidency, with Americans having to pay so much more to drive to work, to get their kids to school, just to get around to conduct the daily business of their lives, the Republican leadership of the Senate is ignoring this substantial burden on American working families.

This week, the national average price for a gallon of regular gasoline was $2.12. When the President took office, it was $1.46. We just heard reports that in Vermont and New Hampshire home heating oil prices will be up another 30 percent this fall and winter.

The artificial pricing scheme enforced by OPEC affects all of us, and it is especially tough on our hard-working Vermont farmers. Rising energy expenses can add thousands of dollars a year to the costs of operating a 100-head dairy operation, a price that could mean the difference between keeping the family business alive for another generation or shutting it down.

With summer coming, many families are going to find that OPEC has put an expensive crimp in their vacation plans. Some are likely to stay home; others will pay more to drive or to fly so that they can visit their families or take their well-deserved vacations.

Americans deserve better. If the White House is not going to intervene, then Congress has to act. It is past time—it is past the time—for holding hands and exchanging kisses with Saudi princes, princes who have artificially inflated the price of gasoline. The President's jawboning with his close friends in Saudi Arabia has proven unsuccessful. It is time to act, but the Senate, under Republican leadership, is choosing instead to revisit another extreme judicial nomination, one that has already been considered.

The production quota set by OPEC continues to take a debilitating toll on our economy, our families, our businesses, industry, and farmers. Last year and again earlier this year, the Judiciary Committee voted to report favorably to the full Senate the bipartisan NOPEC bill, which is short for No Oil Producing and Exporting Cartels Act. Our legislation would apply America's antitrust laws to OPEC's anti-competitive cartel. It would prohibit foreign states from working together to limit production and set prices, restrain the trading of petroleum and natural gas, when such actions affect the United States. It would give the Department of Justice and the Federal Trade Commission authority to enforce the law through antitrust actions in Federal courts.

Why not give the Justice Department clear authority to use our antitrust laws against the anti-competitive, anti-consumer conduct in which the OPEC cartel is engaged here in the United States?

This bipartisan bill was reported by the Judiciary Committee more than a year ago, in April of last year. It was reintroduced this year and reported, again, in April of this year. It has been stalled on the Senate Business Calendar for too long. It is a bipartisan initiative that could help in the fight to reduce gasoline prices now and heating oil prices in the fall and winter. It deserves a vote. Why not have an up or down vote on this measure without further delay by the Republican leadership? Why can't we do that when we have seen gasoline go from $1.46 to $2.12 in this President's administration? No, instead we spend weeks and months, not passing legislation that would win the support of a majority of Republicans and Democrats, but talking about a handful of people who are going to get lifetime, well-paid jobs.

Another consequence of the Republican leadership's fixation on carrying out this President's attempt to pack the Federal courts with activist jurists may be much-needed asbestos compensation reform. For more than 3 years, I have been working on asbestos reform to provide compensation to asbestos victims in a fair and more expedited fashion. Chairman SPECTER and I have worked closely on S. 852, the FAIR Act. It, too, is pending on the Senate Business Calendar, even though it was voted out in a bipartisan effort last month.

Chairman SPECTER deserves enormous credit for this achievement, even though we were slowed significantly by the extensive debate on contentious nominees and the nuclear option the past few months. We have been working in good faith to achieve a bipartisan legislative process on this issue. We have done so, despite criticism from the left and the right. In fact, after the bill was successfully reported by the committee, Senator HATCH called it the most important measure the Senate would consider this year for the American economy. Are we debating it on the floor? No. We are debating a handful of right-wing activist judges for lifetime, highly paid jobs.

There are many items that need prompt attention. The Armed Services Committee completed its work on the Department of Defense authorization bill. But we are seeing the Republican leadership delay action on the Defense authorization bill at a time when we have so many of our men and women under arms overseas. I don't know why they are doing it, unless it is to allow more activist judges to come through. At a time when we have young men and women serving their country around the world, and we are talking about the recently recommended base closings, I would have thought the Defense authorization would be more of a priority than three or four activist judges.

The Senate Energy Committee successfully completed its consideration of an Energy bill, and it was reported to the Senate with a strong bipartisan majority. Despite its balance and a bipartisan vote, the Senate Republican leadership said, no, we can't talk about it. We have to talk about a couple more right-wing activist judges.

Another matter that deserves timely attention is the Stem Cell Research Enhancement Act which was just passed by the House of Representatives. It is another bipartisan effort that deserves our attention. It had 200 House sponsors, led by Congressman CASTLE and Congresswoman DEGETTE. It passed with 238 votes. It is critically important. It authorizes work on embryonic stem cells which otherwise would be discarded, work which holds great promise and hope for those families suffering from debilitating disease and injury. More effective treatments for Parkinson's, Alzheimer's disease, diabetes, for spinal cord injuries, for many other diseases are all possibilities. Why are we not debating that? We have three or four more activist right-wing judgeships for lifetime, highly paid positions. That is far more important than stem cell research.

While the administration continues to talk about its efforts to weaken Social Security, there is bipartisan legislation we should be considering, the Social Security Fairness Act. Are we going to talk about that? No. Will we talk about the fact that the administration is raiding the Social Security fund to pay for their war in Iraq? That is something they don't want to talk about. They want to talk about Social Security failing, but they don't talk about the fact that they have to take the money out of the Social Security fund to pay for the war in Iraq. We can't talk about the Social Security Fairness Act here on the floor because we have to take the time for three or four more right-wing activist judges.

The bill I talked about is a bill that Republican and Democratic Senators have cosponsored over the years to protect the Social Security retirement of police officers. Those on the front lines protecting all of us from crime and violence should not see their Social Security benefits reduced. That needs fixing. We could have done that easily this week. But, no, we can't protect our police officers. Instead, we will make sure that a handful of right-wing activist judges get highly paid lifetime jobs.

These are merely examples of some of the business matters the Republican majority of the Senate has cast aside to force more debate on more contentious nominees. The Senate could be making significant legislative progress on an agenda that would result in much-needed and tangible relief to the American people on a number of important fronts. We could be acting to lower gas prices, authorize actions against illegal cartels, make asbestos compensation efficient and effective, authorize vital scientific research, provide fairness to police officers and to make health care more affordable, create new and better jobs and give our veterans and their families the support they need and deserve. Instead, the Republican leadership of the Senate continues its narrow focus on helping this Administration pack the federal courts with extreme nominees.

For more than four years, we have seen the Republican congressional leadership and the administration ignore the problems of Americans with a single-minded effort to pack and control the Federal courts. Unemployment, gas prices, the number of uninsured, the Nation's budget, the trade deficit were all lower when President Bush assumed office. Through Republican Senate obstruction of more than 60 of President Clinton's moderate and qualified judicial nominees, more than 60 of President Clinton's nominees who were subjected to a pocket filibuster by Republicans, judicial vacancies went up. But let's take a look.

Since President Bush came in, what are the things that have gone up? Unemployment has gone up 21 percent. Since President Bush came in, what has gone up? The budget deficit has gone up. It has gone from a $236 billion surplus under President Clinton to a $427 billion deficit under President Bush—$663 billion down the rat hole. What else has gone up? The price of gas has gone from $1.42 to $2.10. That is not helping the average American. Let's take a look at the trade deficit. It has gone up from $36 billion to $55 billion. How about the percentage of the uninsured? That has gone up another 10 percent.

But the full-time, highly paid positions of judgeships is the one thing that has come down. Judicial vacancies have come down 49 percent.

It seems that is far more important than seeing projected trillions of dollars in surpluses go to trillions of dollars in projected deficits, far more important than the problem we create when we allow the Saudis, the Chinese, the South Koreans, the Japanese, and others to pay our bills but then be able to manipulate our economy. It seems wrong.

We helped the President confirm a record number of his judges, but we Democrats would like to see us talk about the people who are out of work, the price of gasoline, the huge deficits that have been created by this presidency.

We know that yesterday the Senate confirmed Janice Rogers Brown to the Court of Appeals for the D.C. Circuit, despite the fact she is a divisive and controversial nominee. She was opposed by both her home State Senators because she had a record so extreme it marked her as one of the most activist judicial nominees ever chosen by any President.

In the past, when both Senators from a nominee's State opposed them, the person, even if highly qualified, would be turned down. In this case, we have somebody who is not qualified, an activist judge opposed by both of her State's Senators, who still passed. I mention that because I remember Justice Ronnie White, now the first African American to serve as Chief Justice of the Missouri Supreme Court. When the two Senators from his home State, Republican Senators, said they were opposed to him, what happened? In 1999, every Republican Senator came on to the floor and voted down Justice Ronnie White, even though he had been voted out of the Judiciary Committee with heavy support. They said: Whoops, he may be this distinguished African-American jurist from Missouri. But we have two Senators from his State who oppose him so we will vote him down. And they did.

But yesterday, what a difference. What a difference if you have a Republican in the White House. Those same Republican Senators, joined by new Republican Senators, the same Republican Senators who told me, ''We know that Justice Ronnie White is well qualified, but, after all, we have to follow the fact that the two Senators from his State say they don't want him, so we have to vote him down,'' those same Senators come up here and meekly come in, in lockstep, and vote for Judge Brown, even though the two home-state Senators, for very good reasons, opposed her.

Last week, all but one Republican Senator voted to confirm Priscilla Owen.

Yesterday's vote on the Brown nomination apparently indicates Republican Party discipline has been restored. For all the talk about profiles in courage and Senators voting their conscience, the Republican majority has reduced the Senate to a rubberstamp of this President's extreme and activist nominees. Even though Senators will tell you privately they would vote against this person if it was secret ballot, the White House tells them what to do.

William Pryor has argued that Federal courts should cut back on the protections of important and well-supported Federal laws, including the Age Discrimination in Employment Act, the Americans with Disabilities Act, the Civil Rights Act of 1964, the Clean Water Act, the Violence Against Women Act, the Family and Medical Leave Act. That should be enough to vote against him, but it won't be, not with this rubberstamp. He has repudiated decades of legal precedents that permitted individuals to sue States to prevent violations of Federal civil rights regulations. Is that going to cause us to vote him down? Heck no.

His aggressive involvement in the Federalist revolution shows he is a goals-oriented activist who has used his official position to advance his cause. While his advocacy is a sign to most people of the extremism, he trumpets his involvement. He is unabashedly proud of his repeated work to limit congressional authority to promote the health, safety, and welfare of all Americans.

His passion is not some obscure legal theory but a legal crusade that has driven his actions since he was a student and something that guides his actions as a lawyer. His speeches and his testimony before Congress demonstrate just how rooted his views are, how much he wants to effect a fundamental change in this country.

Just remember this: These judicial nominees are being confirmed for life. They do not leave or get reconsidered after the congressional elections next year or after this administration ends. They serve as lifetime appointments to the Federal court.

It is one thing for us to ignore all the things we should be doing for the American people, but I urge all Senators, on both sides of the aisle, to end this up-or-down rubberstamp, fulfill the Senate's constitutionally mandated duty to evaluate with clear eyes the fitness of judicial nominees, even President Bush's nominees, when they are for lifetime appointments. Stop telling me privately how you would vote if it was a secret ballot. Have the courage to vote in an open ballot the same way.

In the last Congress, following one of the most divisive debates I have seen on the floor of the Senate, I explained why I felt strongly about voting against the nomination of William Pryor to the U.S. Court of Appeals for the Eleventh Circuit—in committee and in two unsuccessful cloture attempts. The President disregarded the advice given to him by the Senators opposing this nomination, and he installed Mr. Pryor as a recess-appointed judge on the Eleventh Circuit where he will serve until the end of this year. Today, because the President continues to insist on pushing his most divisive nominees in a group that he renominated to the Senate, we are here voting yet one more time on this nomination.

I expect some will try to point to the few cases he has worked on during his time ''auditioning'' on the circuit court as evidence that he should be confirmed. But nothing Judge Pryor has done in the intervening period has changed my view that based on his entire career and record, if he were to receive life tenure on the Federal bench, he would put ideology above the law. I cannot support him.

In the course of their march toward the ''nuclear option''—a development thankfully averted—the President and the Republican leadership escalated the rhetoric surrounding this issue in alarming ways. The majority leader last month participated in a telecast smearing opponents of the most extreme judicial nominees as ''against people of faith.'' Arrayed behind the podium at that gathering were photos of the filibustered nominees, and speaker after speaker accused Democrats of opposing nominees such as Judge Pryor because of his faith. These are baseless and despicable accusations, and it is time the Republican leadership and other Republicans in and out of the Senate disavow them.

Senate Democrats do not oppose William Pryor because of his faith. We oppose the nomination of William Pryor to the Eleventh Circuit because of his extreme—some, with good reason, use the word ''radical''—ideas about what the Constitution says about federalism, criminal justice and the death penalty, violence against women, the Americans with Disabilities Act, and the Government's ability to protect the environment on behalf of the American people. Of course, those substantive concerns will not do much to advance Republicans' political ambitions and the agendas of polarizing interest groups. So some Republican partisans are putting the truth to one side. They dismiss the views of Democratic Senators doing their duty under the Constitution to examine the fitness of every nominee to a lifetime position on the Federal bench and choose, instead, to use smears and accusations.

The last time Judge Pryor came before this committee and the Senate, slanderous accusations were made by Republican Senators, and scurrilous newspaper advertisements were run by a group headed by the President's father's former White House counsel and a group whose funding includes money raised by Republican Senators and even by the President's family. Other Republican members of the Judiciary Committee and of the Senate stood mute in the face of these McCarthyite charges, or, worse, fed the flames. Now, the same type of rhetoric—identifying opponents as against faith—has again reared its ugly head.

This kind of religious smear campaign hurts the whole country. It hurts Christians and non-Christians. It hurts all of us, because the Constitution requires judges to apply the law, not their personal views. Remember that all of us, no matter what our faith—and I am proud of mine—are able to practice our religion as we choose or not to practice a religion. That is a fundamental guarantee of our Constitution. The Constitution's prohibition against a ''religious test'' in Article VI is consistent with that fundamental freedom. I hope that Republican Senators will debate this nomination absent the scurrilous charges that marked it the past and the discourse during the ''nuclear option'' last month.

Instead, the Senate's debate should center on the nominee's qualifications for this lifetime post in the Federal judiciary. There is an abundance of substantive and compelling reasons why William Pryor should not be a judge on the Eleventh Circuit. Opposition to Judge Pryor's nomination is shared by a wide spectrum of objective observers. Judge Pryor's record is so out of the mainstream that a vast number of editorial boards and others have weighed in with significant opposition.

Even The Washington Post, which has been exceedingly generous to the Administration's efforts to pack the courts, has termed Judge Pryor ''unfit'' and consistently opposed his nomination. In Alabama, both the Tuscaloosa News and the Hunstville Times wrote against the nomination. Other editorial boards across the country have spoken out, including the Atlanta Journal-Constitution, the Pittsburgh Post-Gazette, The New York Times, the Charleston Gazette, the Arizona Daily Star, and The Los Angeles Times.

We have also heard from a large number of organizations and individuals concerned about justice before the federal courts. The Log Cabin Republicans, the Leadership Conference on Civil Rights, the AFL–CIO, the National Partnership for Women and Families and many others have provided the Committee with their concerns and the basis for their opposition. We have received letters of opposition from organizations that rarely take positions on nominations but feel so strongly about this one that they are compelled to publicly oppose it, including the National Senior Citizens' Law Center, the Anti-Defamation League and the Sierra Club.

The ABA's evaluation also indicates concern about this nomination. Their Standing Committee on the Federal Judiciary gave Mr. Pryor a partial rating of ''not qualified'' to sit on the Federal bench. Of course this is not the first ''not qualified'' rating or partial ''not qualified'' rating that this administration's judicial nominees have received. More than two dozen of President Bush's nominees have received indications of concerns about their qualifications from the ABA's peer reviews, which have been less exacting and much more accommodating to this administration than to previous ones. I would note that this softer treatment follows the changes in the process imposed by the Bush administration.

Judge Pryor has long been a leader of the federalist movement, promoting State power over the Federal Government. A leading proponent of what he refers to as the ''federalism revolution,'' Judge Pryor seeks to revitalize state power at the expense of Federal protections, seeking opportunities to attack Federal laws and programs designed to guarantee civil rights protections. He has urged that Federal laws on behalf of the disabled, the aged, women, minorities, and the environment all be limited. Not long ago, in a New York Times Magazine article about the so-called ''Constitution-in-Exile'' movement, Michael Greve, was quoted as saying, ''Bill Pryor is the key to this puzzle; there's nobody like him. I think he's sensational. He gets almost all of it.'' That is precisely why he should not be confirmed.

William Pryor has argued that the Federal courts should cut back on the protections of important and well-supported Federal laws including the Age Discrimination in Employment Act, the Americans with Disabilities Act, the Civil Rights Act of 1964, the Clean Water Act, the Violence Against Women Act, and the Family and Medical Leave Act. He has repudiated decades of legal precedents that permitted individuals to sue states to prevent violations of Federal civil rights regulations. His aggressive involvement in this ''federalist revolution'' shows that he is a goal-oriented, activist conservative who has used his official position

to advance his ''cause.'' Alabama was the only state to file an amicus brief arguing that Congress lacked authority to enforce the Clean Water Act. He argued that the Constitution's commerce clause does not grant the Federal Government authority to prevent destruction of waters and wetlands that serve as a critical habitat for migratory birds. The Supreme Court did not adopt his narrow view of the commerce clause powers of Congress. While his advocacy in this case is a sign to most people of the extremism, he trumpets his involvement in this case. He is unabashedly proud of his repeated work to limit congressional authority to promote the health, safety and welfare of all Americans.

His passion is not some obscure legal theory but a legal crusade that has driven his actions since he was a student and something that guides his actions as a lawyer. His speeches and testimony before Congress demonstrate just how rooted his views are, how much he seeks to effect a fundamental change in the country, and how far outside the mainstream he is.

Judge Pryor is candid about the fact that his view of federalism is different from the current operation of the Federal Government—and that he is on a mission to change the government to fit his vision. His goal is to continue to limit Congress's authority to enact laws under the Fourteenth Amendment and the commerce clause—laws that protect women, ethnic and racial minorities, senior citizens, the disabled, and the environment—in the name of sovereign immunity. Is there any question that he will pursue his agenda as a judge on the Eleventh Circuit Court of Appeals reversing equal rights progress and affecting the lives of millions of Americans for decades to come?

Judge Pryor's comments have revealed insensitivity to the barriers that disadvantaged persons and members of minority groups and women continue to face in the criminal justice system. This is what is at stake for Americans, the consumers of our justice system. This is the type of judge this President and this Republican leadership are intent on permanently installing in our justice system.

In testimony before Congress, William Pryor has urged repeal of Section 5 of the Voting Rights Act—the centerpiece of that landmark statute—because, he says, it ''is an affront to federalism and an expensive burden that has far outlived its usefulness.'' That testimony demonstrates that Judge Pryor is more concerned with preventing an ''affront'' to the States' dignity than with guaranteeing all citizens the right to cast an equal vote. It also reflects a long-discredited view of the Voting Rights Act. Since the enactment of the statute in 1965, every Supreme Court case to address the question has rejected the claim that Section 5 is an ''affront'' to our system of federalism. Whether under Earl Warren, Warren Burger, or William Rehnquist, the United States Supreme Court has recognized that guaranteeing all citizens the right to cast an equal vote is essential to our democracy not a ''burden'' that has ''outlived its usefulness.''

His strong views against providing counsel and fair procedures for death row inmates have led William Pryor to doomsday predictions about the modest reforms in the Innocence Protection Act that would create a system to ensure competent counsel in death penalty cases. When the United States Supreme Court questioned the constitutionality of Alabama's method of execution in 2000, William Pryor lashed out at the Supreme Court, saying: ''[T]his issue should not be decided by nine octogenarian lawyers who happen to sit on the U.S. Supreme Court.'' Aside from the obvious disrespect this comment shows for the Nation's highest court, it shows again how results-oriented Judge Pryor is in his approach to the law and to the Constitution. Of course an issue about cruel and unusual punishment ought to be decided by the Supreme Court. It is addressed in the Eighth Amendment, and whether or not we agree on the ruling, it is an elementary principle of constitutional law that it be decided by the Supreme Court, no matter how old its members.

Judge Pryor has also vigorously opposed an exemption for persons with mental retardation from receiving the death penalty, exhibiting more certainty than understanding or sober reflection. He authored an amicus curiae brief to the Supreme Court arguing that the Court should not declare that executing mentally retarded persons violated the Eighth Amendment. After losing on that issue, Judge Pryor made an unsuccessful argument to the Eleventh Circuit that an Alabama death-row defendant is not mentally retarded.

Judge Pryor has spoken harshly about the moratorium imposed by former Illinois Governor George Ryan, calling it a ''spectacle.'' Can someone so dismissive of evidence that challenges his views be expected to hear these cases fairly? Over the last few years, many prominent Americans have begun raising concerns about the death penalty including current and former supporters of capital punishment. For example, Justice O'Connor recently said there were ''serious questions'' about whether the death penalty is fairly administered in the United States, and added: ''[T]he system may well be allowing some innocent defendants to be executed.'' In response to this uncertainty, Judge Pryor offers us nothing but his obstinate view that there is no problem with the application of the death penalty. This is a position that is not likely to afford a fair hearing to a defendant on death row.

Judge Pryor's troubling views on the criminal justice system are not limited to capital punishment. He has advocated that counsel need not be provided to indigent defendants charged with an offense that carries a sentence of imprisonment if the offense is classified as a misdemeanor. The Supreme Court nonetheless ruled that it was a violation of the Sixth Amendment to impose a sentence that included a possibility of imprisonment if indigent persons were not afforded counsel.

Judge Pryor is overwhelmingly hostile to a woman's right to choose. There is every indication from his record and statements that he is committed to reversing Roe v. Wade. Judge Pryor describes the Supreme Court's decision in Roe v. Wade as the creation ''out of thin air [of] a constitutional right,'' and opposes abortion even in cases of rape or incest.

Judge Pryor does not believe Roe is sound law, neither does he give credence to Planned Parenthood v. Casey. He has said that ''Roe is not constitutional law,'' and that in Casey, ''the court preserved the worst abomination of constitutional law in our history.'' When Judge Pryor appeared before the Committee, he repeated the mantra suggested by White House coaches that he would ''follow the law.'' But his willingness to circumvent established Supreme Court precedent that protects fundamental privacy rights seems much more likely.

Judge Pryor has expressed his opposition to fair treatment of all people regardless of their sexual orientation. The positions he took in a brief he filed in the Supreme Court case of Lawrence v. Texas were entirely repudiated by the Supreme Court majority two years ago when it declared that: ''The petitioners are entitled to respect for their private lives. The State cannot demean their existence or control their destiny by making their private conduct a crime.'' Judge Pryor's view is the opposite. He would deny certain Americans the equal protection of the laws, and would subject the most private of their behaviors to public regulation.

Capping Judge Pryor's record of extreme activism were sworn statements made by former Alabama Governor Fob James and his son, both Republicans, explaining that Judge Pryor was only chosen by James to be the State's Attorney General after promising that he would defy court orders, up through and including orders of the Supreme Court of the United States. In sworn affidavits, Governor James and his son recount how Pryor persuaded them he was right for the job by showing them research papers he had supervised in law school about ''nonacquiesence'' to court orders. Indeed, under penalty of perjury, the former Republican Governor and his son say that Judge Pryor's position on defying court orders changed only when he decided he wanted to be a Federal judge.

If true, this information, consistent with the activism and extremism present elsewhere in Judge Pryor's record, is revealing. To think that this

man would come before the Senate after having made a promise like that—to undermine the very basis of our legal system—and ask to be confirmed to a lifetime position on the Federal bench, is beyond belief.

Indeed, William Pryor's activism has often transcended judicial philosophy and entered the realm of pure partisan politics to the point where it appeared political concerns openly affected his legal views. As Attorney General of Alabama, Pryor was one of the founders of the Republican Attorneys General Association, or RAGA, an organization which raised money from corporations for Republican candidates for state Attorney General positions. Before RAGA was founded, Attorney General candidates usually shied away from corporate fundraising because of the potential for conflicts of interest with an Attorney General's duty to go after any corporate wrongdoing.

But William Pryor not only ignored the tradition of keeping Attorney General's races above politics, he embraced with both hands the mixing of law and politics. He spoke out, vocally and often, against state attorneys general bringing aggressive cases against the tobacco industry, the gun industry, and other corporate interests. And then RAGA, Pryor's organization, raised money for attorney general campaigns from these very industries and others like them that hoped to avoid lawsuits and prosecution. Pryor's philosophy of opposing mainstream government regulation of corporations advanced his politics and his organization's fundraising, and his political interests in turn informed his pro-corporation legal philosophy. Curiously, when asked about RAGA at his hearing, Mr. PRYOR could remember very little about the organization or his role in it.

His partisan, political worldview colors the way he thinks about the role of the courts as well. He ended one speech with the prayer, ''Please God, no more Souters!''—a slap at a Supreme Court Justice seen by some as insufficiently conservative. And he said he was pleased the Court's vote in Bush v. Gore was a 5–4 split because that vote would give President Bush ''a full appreciation of the judiciary and judicial selection;'' in other words, it would show the president that he needed to appoint partisan conservatives to the bench. These are the sentiments of an activist and a politician. They are not the considered deliberations that all of us, as Republican or Democrat would expect from an impartial judge.

On a full slate of issues—the environment, voting rights, women's rights, gay rights, federalism, and more—William Pryor's record of activism and advocacy is clear. That is his right as an American citizen, but it does not make him qualified to be a judge. As a judge, it is his duty impartially to hear and weigh the evidence and to impart just and fair decisions to all who come before the court. In their hands, we entrust to the judges in our independent Federal judiciary the rights that all of us are entitled to enjoy through our birthright as Americans.

Judge Pryor's time on the Eleventh Circuit brings out the very problem with recess appointments of controversial judges. The Constitution sets out that Article III judges receive lifetime appointments precisely so that they can be independent. Judge Pryor, in contrast, cannot be independent during the pendency of his recess appointment because he is dependent on the Senate for confirmation to a lifetime position. He is, in essence, trying out for the job. Accordingly, the opinions he writes while temporarily on the court are not much of a predictor for what he would do if he did receive a lifetime appointment and became truly independent.

What is a good predictor for what he would do as a permanent Eleventh Circuit judge? Quite simply, his actions and statements in the many years of his professional life before he was appointed provide the best insight. And these actions and statements paint a clear and consistent picture of a judicial activist whose extreme views place him far outside the mainstream. A year of self-serving restraint does little to alter this picture.

The President has said he is against what he calls ''judicial activism.'' How ironic, then, that he has chosen several of the most committed and opinionated judicial activists ever to be nominated to our courts.

The question posed by this controversial nomination is not whether Judge Pryor is a skilled and capable politician and advocate. He certainly is. The question is whether—not for a two-year term but for a lifetime—he would be a fair and impartial judge. Could every person whose rights or whose life, liberty or livelihood were at issue before his court, have faith in being fairly heard? Could every person rightly have faith in receiving a just verdict, a verdict not swayed by or yoked to the legal philosophy of a self-described legal crusader? To see Judge Pryor's record and his extreme views about the law is to see the stark answer to that question.

I oppose giving Judge Pryor a lifetime appointment to the Eleventh Circuit where he can impose his radical activist vision on the many people whose lives and disputes come before him. I believe the President owes them a nominee who can unite the American people.

Mr. President, I believe my time has expired.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. LEAHY. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Under the previous order, the time until 4 o'clock is under the control of the majority leader.

The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, it is a great honor for me to stand in this great Senate Chamber to share a few thoughts about my friend, one of the best lawyers I have ever known, now Judge Bill Pryor, serving on the Eleventh Circuit Court of Appeals, to speak in favor of his confirmation.

He is principled. He is highly intelligent. He is committed to doing the right thing. He has won the support, respect, friendship, and admiration of people on both sides of the aisle—African Americans, Whites, Democrats—throughout our State of Alabama. He has virtually unanimous support among those groups, and he has earned that by his principled approach to being attorney general, his love and respect for the law, his courageous commitment to doing the right thing.

He has views about the law and public policy in America, and he expresses those, but he absolutely understands that there is a difference between advocacy and being on a bench and having to judge, that you are not then an advocate, you are a referee, you are a judge, a person who is supposed to fairly and objectively decide how the dispute should be settled. He understands that totally. That is true with most good lawyers in America, but I think he understands it more than even most good lawyers. Most good lawyers have been good advocates, and they have become good judges. Certainly we understand that.

Criticism has been raised against him that is painful to me. I think much of it is a result of misinformation. For example, my colleague from Iowa, who is such a champion of the disabled, always is a champion of the interests of the disabled, suggested that Bill Pryor is not a believer in rights for the disabled because in a disabilities act that was passed by this Congress it allowed people to sue their employers for back pay, for injunction, and for damages if they were wronged by an employer. But the Congress never thought at that time what it meant if it involved a State.

Three percent of the people in Alabama work for the State of Alabama. He understood, as a skilled constitutional lawyer, that the Congress would have then undertaken, if the law was to be interpreted so that damages could be rendered against the State, to wipe out the doctrine of sovereign immunity. That is a doctrine that prohibits States from being sued for money damages. He said, yes, the employee can get the job back, yes, the employee can receive back pay if they were discriminated in any way as a result of that disability, but they cannot, in a case against the State of Alabama or any State, get money damages because that violates the constitutional principle of sovereign immunity.

He took that to the Supreme Court and won. Nobody in Alabama or anywhere else who knows anything about disabilities would think this represented an action by him to harm the disabled. It was simply to clarify this important principle as to what power the Congress has under these kinds of legislation to wipe out the traditional historic right of a State under sovereign immunity.

That is how these issues become confused. That is what hurts me about this debate process. So often nominees are accused of things based on results or maybe outcome of any one given case, and they are said to be against poor people or against education or against the disabled.

I will offer for the RECORD an editorial from the Mobile Press that totally analyzes the complaints and allegations that were raised by Senator KENNEDY about fundraising for the Attorney Generals Association. It completely refutes those allegations. We had a full look at it. I think everybody who was involved in the Judiciary Committee and the staff people who made lots of phone calls found there was absolutely nothing to show any wrongdoing.

How do we decide what a good person is or a good nominee is? I do not know. You may know them and respect them personally. You have seen their integrity and their courage in trying to do the right thing daily. What do others say who may have a different political philosophy? Let me read a letter from Alvin Holmes, a member of the State House of Alabama.

I see the majority leader here. I will be willing to yield to him or take a couple minutes, if he allows me.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. FRIST. Mr. President, we will start voting about 4. If I can start in a couple minutes, that will be good.

Mr. SESSIONS. Mr. President, I will state what Representative Alvin Holmes said. He is an African American. He starts off saying:

> Please accept this as my full support and endorsement of Alabama's Attorney General Bill Pryor to the United States Court of Appeals for the 11th Circuit.
>
> I am a black member of the Alabama House of Representatives having serving for 28 years. During my service . . . I have led most of the fights for civil rights of blacks, women, lesbians and gays and other minorities.

He lists seven different points where Attorney General Bill Pryor has stood up for minority rights and African-American rights in the State, including a mentor program where he for 3 years worked every week reading as a tutor to Black children.

He goes on to note a number of points. He finally concludes this way:

> Finally, as one of the key civil rights leaders in Alabama who has participated in basically every major civil rights demonstration in America, who has been arrested for civil rights causes on many occasions, as one who was a field staff member of Dr. Martin Luther King's SCLC, as one who has been brutally beaten by vicious police officers for participating in civil rights marches and demonstrations, as one who has had crosses burned in his yard by the KKK . . . as one who has lived under constant threats day in and day out because of his [stands] . . . I request your swift confirmation of Bill Pryor to the 11th Circuit because of his constant efforts to help the causes of blacks in Alabama.

Bill Pryor has the support of every Democratic official in the State, the top African-American leaders, the people of Alabama. They know him and respect him to an extraordinary degree.

I am pleased to now yield the floor. I see the majority leader is here.

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

Mr. FRIST. Mr. President, I thank my distinguished colleague from Alabama for his leadership. I mentioned to him yesterday it was just a few weeks ago that it was uncertain whether we would ever reach this moment—about 3½ weeks ago and I remember the conversation. We committed to have an up-or-down vote, whatever it took. Indeed, I am delighted to say that in a few moments we will vote up or down on William Pryor's nomination to serve on the Eleventh Circuit Court of Appeals. This body will be allowed that opportunity to give Judge Pryor what he deserves, and that is the respect of an up-or-down vote.

He was first nominated to the Federal bench on April 9, 2003, over 2 years ago. So it has been a long time coming. That wait is almost over. It will be over in about 6 or 7 minutes. The partisan charges and obstruction leveled against him are going to be brought to a close. Soon William Pryor will get the fairness and the respect he deserves with that vote.

Judge Pryor's experience and achievements in the legal profession have prepared him well to serve on the Federal bench. He graduated magna cum laude from Tulane University School of Law where he served as editor in chief of the Law Review.

He began his legal career as a law clerk for a legendary civil rights advocate, the late Judge John Minor Wisdom of the U.S. Court of Appeals for the Fifth Circuit.

While practicing law at two of Alabama's most prestigious firms, Judge Pryor also taught several years as adjunct professor at Samford University's Cumberland School of Law.

Later he served as deputy attorney general and then attorney general of Alabama. As attorney general, he was overwhelmingly reelected by the people of Alabama in 2002.

Two years later, President Bush, in 2004, recess appointed Judge Pryor to the Eleventh Circuit. During this time, Judge Pryor has served with distinction. While on the appellate bench, many of Judge Pryor's opinions have been supported by judges appointed by both Democrats and Republicans.

But this should not come as a surprise. His rulings as a Federal judge are entirely consistent with his past record. William Pryor believes in interpretation of the law, not rewriting the law according to his own political views.

He has an outstanding record on civil rights. Dr. Joe Reed, chairman of the African-American caucus for Alabama's Democratic Conference, said of Judge Pryor: He ''will uphold the law without fear or favor. I believe all races and colors will get a fair shake when their cases come before him.''

Many other prominent African-American leaders have submitted letters of support for Judge Pryor praising him for his commitment to upholding civil rights and equality for all Americans. It is simple. Those who criticize Judge Pryor's record have not examined it with the care and respect that every nominee's record deserves.

His record consistently proves his unwavering dedication to the protection of individual liberties and his commitment to treating all people fairly.

Further, those who study his record, as I have, know that Judge Pryor understands and appreciates the obligation of the judiciary branch to interpret the law, not to write the law. He stated in his hearing before the Judiciary Committee the following:

> I understand my obligation to follow the law, and I have a record of doing it. You don't have to take my word that I will follow the law. You can look at my record as Attorney General and see where I have done it.

It has been over 2 years since the President sent William Pryor's nomination to the Senate. In that time, he has endured a hearing before the Senate Judiciary Committee lasting 4 hours where he answered over 185 questions.

Judge Pryor answered another 45 written questions from Senators and submitted over 26 pages in response.

On two separate occasions, his nomination has been favorably voted out of the Judiciary Committee, consuming another 4 hours of debate.

Two times his nomination has come to the Senate floor for a cloture vote, and twice the motion to invoke cloture failed because of partisan obstruction.

But that day is over. During the last 2 days, we have continued to debate the nomination of Judge Pryor, and now it is time to give him that long overdue vote. With the confirmation of Justice Owen and Justice Brown, and the upcoming vote on Judge Pryor, the Senate does continue to make good progress, placing principle before partisan politics and results before rhetoric.

I hope and I know we will continue working together. As the debate on judicial nominees has shown, we can disagree on whether individual nominees deserve confirmation, but we can all agree on the principle that each nominee deserves a fair up-or-down vote.

I urge my colleagues to join me in supporting the confirmation of Judge William H. Pryor.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Under the previous order, the hour of 4 o'clock having arrived, the question is, Will the Senate advise and consent to the nomination of William H. Pryor, Jr., of Alabama, to be United States Circuit Judge for the Eleventh Circuit? The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Alaska (Ms. MURKOWSKI).

Mr. DURBIN. I announce that the Senator from Vermont (Mr. JEFFORDS) is necessarily absent.

The PRESIDING OFFICER (Mr. CHAFEE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 45, as follows:

[Rollcall Vote No. 133 Ex.]

YEAS—53

Alexander	Dole	McConnell
Allard	Domenici	Nelson (NE)
Allen	Ensign	Roberts
Bennett	Enzi	Salazar
Bond	Frist	Santorum
Brownback	Graham	Sessions
Bunning	Grassley	Shelby
Burns	Gregg	Smith
Burr	Hagel	Specter
Chambliss	Hatch	Stevens
Coburn	Hutchison	Sununu
Cochran	Inhofe	Talent
Coleman	Isakson	Thomas
Cornyn	Kyl	Thune
Craig	Lott	Vitter
Crapo	Lugar	Voinovich
DeMint	Martinez	Warner
DeWine	McCain	

NAYS—45

Akaka	Dodd	Lieberman
Baucus	Dorgan	Lincoln
Bayh	Durbin	Mikulski
Biden	Feingold	Murray
Bingaman	Feinstein	Nelson (FL)
Boxer	Harkin	Obama
Byrd	Inouye	Pryor
Cantwell	Johnson	Reed
Carper	Kennedy	Reid
Chafee	Kerry	Rockefeller
Clinton	Kohl	Sarbanes
Collins	Landrieu	Schumer
Conrad	Lautenberg	Snowe
Corzine	Leahy	Stabenow
Dayton	Levin	Wyden

NOT VOTING—2

Jeffords	Murkowski

The nomination was confirmed.

The PRESIDING OFFICER (Mr. CHAFEE). The President will be immediately notified of the Senate's action.

NOMINATION OF RICHARD A. GRIFFIN TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT

NOMINATION OF DAVID W. MCKEAGUE TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT

The PRESIDING OFFICER. The clerk will report the next two nominations en bloc.

The assistant legislative clerk read the nominations of Richard A. Griffin, of Michigan, to be United States Circuit Judge for the Sixth Circuit, and David W. McKeague, of Michigan, to be United States Circuit Judge for the Sixth Circuit.

The PRESIDING OFFICER. Who yields time? The Senator from Michigan.

Ms. STABENOW. Mr. President, I rise this afternoon in support of the nominations of Judge David McKeague and Judge Richard Griffin to the Sixth Circuit Court.

For some time now, Senator LEVIN and I have been proposing the Senate move forward on these nominees as part of a good-faith effort for us to be working together in a bipartisan way in the Senate. I am pleased we are now to vote on the nomination of Judge Griffin and Judge McKeague as a result of the bipartisan agreement to move forward and stop what was called the nuclear option, which would have eliminated the checks and balances in the Senate. It is my hope this bipartisan agreement will help restore comity and civility in our very important Chamber.

I will say a few words about these two nominees. Judge Richard Griffin is a lifelong resident of Michigan. He would be the first nominee to the Sixth Circuit from Traverse City, MI. He has had a distinguished career both as an attorney and as a State appeals judge. He has served on the Michigan Court of Appeals for over 16 years and has been rated as ''well-qualified'' by the American Bar Association.

Judge David McKeague is also a lifelong resident of Michigan. He would be the first nominee from my home of Lansing, MI, to the Sixth Circuit. Judge McKeague has also had a distinguished career as an attorney, a law professor, and a Federal judge. He served on the U.S. District Court for the Western District of Michigan for over 12 years and has been rated ''well-qualified'' by the American Bar Association.

I urge my colleagues to join me and Senator LEVIN in supporting the nomination of Judge Griffin and Judge McKeague. It is important for us to move forward.

I hope confirming the Sixth Circuit nominees before the Senate will help restore comity and civility to the judicial nominations process. We have a constitutional obligation to advise and consent on Federal judicial nominees. This is a responsibility I take extremely seriously, as I know my colleagues do on both sides of the aisle. These are not decisions that will affect our courts for three or four years, but for 30 or 40 years, making it even more important for the Senate not to act as a rubberstamp.

This is the third branch of government and it is important we move forward in a positive way and be able to work with the White House on nominees who will reflect balance and reflect a mainstream approach for our independent judiciary.

I hope the White House will begin working with the Senate in a more bipartisan and inclusive manner on judicial nominations. I look forward to working with the White House on any future Michigan nominees since it is absolutely critical we work together in filling these positions.

I yield the floor.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from Michigan.

Mr. LEVIN. Mr. President, I am supporting the two nominations before the Senate.

With today's confirmation of William Pryor, 211 of 218 of President Bush's judicial nominees have been confirmed. After Richard Griffin's and David McKeague's upcoming confirmation, 213 of 218 of President Bush's nominees will have been confirmed. What a contrast to the way that President Clinton's nominees were treated. More than 60 of President Clinton's nominees never received a vote in the Judiciary Committee. In the battles over judicial nominations that have consumed this body in recent years, the way those nominees were treated stands out as uniquely unfair. Even then-White House Counsel Alberto Gonzales acknowledged that treatment of President Clinton's nominees was ''inexcusable.''

For the last 4 years of the Clinton Presidency, there were Michigan vacancies on the Sixth Circuit court. The Republican majority refused to hold hearings in the Judiciary Committee on Clinton nominations for those vacancies. Indeed, one of those nominees waited longer for a hearing in the Senate Judiciary Committee than any nominee in American history had—a hearing she ultimately never received.

Her nomination was held up for some time by former Senator Spencer Abraham in an attempt to secure the nomination of his preferred candidate to a second position. Then, the seats were kept vacant because the majority hoped that a Republican would be elected President and would put forward his nominees for those vacancies. When President Bush came to office, he not only filled positions which should have been filled by nominees of President Clinton, his nominees were allowed to go forward even over the objections of their home state senators.

Today, we will confirm two of President Bush's Michigan nominees to the Sixth Circuit Court. They should be confirmed and I will vote for them. In deciding to move on, we should not excuse the treatment of President Clinton's nominees or the refusal of President Bush to adopt a bipartisan solution to the acknowledged wrong. A brief history of the Michigan vacancies on the Sixth Circuit will also hopefully prevent a recurrence of the tactic which was used against Clinton nominees—denial of a hearing in the Judiciary Committee, year after year—not just in the last year of a presidential term but in the years before the last year of a presidential term.

Michigan Court of Appeals Judge Helene White was nominated to fill a

Sixth Circuit vacancy on January 7, 1997. Some months later, Senator LEAHY, as ranking member of the Judiciary Committee, came to this floor to urge that the Committee act on her nomination. This would be the first of at least sixteen statements on the Senate floor by Senator LEAHY regarding the Sixth Circuit nominations over a 4 year period.

A year and a half after Judge White was nominated—Senator LEAHY came to the floor and said: ''At each step of the process, judicial nominations are being delayed and stalled.'' His plea was again ignored and the 105th Congress ended without a hearing for Judge White.

On January 26, 1999, President Clinton again submitted Judge White's nomination. That day, I urged both Senator Abraham and Chairman HATCH to recognize that fundamental fairness dictated that she receive an early hearing in the 106th Congress, having received no hearing in the 105th.

On March 1, 1999, a second Michigan vacancy on the Sixth Circuit opened up. The next day, Senator LEAHY returned to the floor, reiterated that nominations were being stalled by the majority.

The reason that the majority in the Judiciary Committee did not hold a hearing on Judge White was because of Senator Abraham's opposition, based on his effort to obtain the nomination of Jerry Rosen, a district court judge in the Eastern District of Michigan, to the second Michigan opening on the Sixth Circuit. President Clinton, however, in September of 1999, decided to nominate Kathleen McCree Lewis to that seat.

Soon thereafter, I spoke with Senator Abraham about the Lewis and White nominations, Senator LEAHY again urged the Committee to act, calling the treatment of judicial nominees ''unconscionable.''

On November 18, 1999, I again urged Senator Abraham and Chairman HATCH to proceed with hearings for the two Michigan nominees. At that time I noted that Judge White had been waiting for nearly 3 years and that the confirmation of the two women was ''essential for fundamental fairness.'' 1999 ended without Judiciary Committee hearings.

In February of 2000 Senator LEAHY spoke again on the Senate floor about the multiple vacancies on the Sixth Circuit. Less than two weeks later, I again made a personal plea to Senator Abraham and Chairman HATCH to grant a hearing to the Michigan nominees.

On March 20, 2000, the chief judge of the Sixth Circuit sent a letter to Chairman HATCH expressing concerns about a reported statement from a member of the Judiciary Committee that ''due to partisan considerations'' there would be no more hearings or votes on vacancies for the Sixth Circuit Court of Appeals during the Clinton administration. His concern would turn out to be well founded.

On May 2, 2000, I sent a note to Chairman HATCH, but neither Judge White's nor Ms. Lewis's nominations were placed on the Committee's hearing agenda. Over the next several months, Senator LEAHY went to the floor ten more times to urge action on the Michigan nominees. I also raised the issue on the Senate floor on several occasions.

In the fall of 2000, in a final attempt to move the nominations of the two Michigan nominees, I met with Majority Leader LOTT to discuss the situation. On September 12, I sent him a letter saying ''the nominees from Michigan are women of integrity and fairness. They have been stalled in this Senate for an unconscionable amount of time without any stated reason.'' Neither the meeting with Senator LOTT nor the letter prompted the Judiciary Committee to act on the nominations, and the 106th Congress ended without hearings for either woman.

By this point, Judge White's nomination had been pending for nearly 4 years—the longest period of time that any circuit court nominee had waited for a hearing in the history of the United States Senate. Ms. Lewis's nomination had been pending for about a year and a half.

The experience of Kent Markus of Ohio will shed some light on these events. Professor Markus was nominated by President Clinton in February of 2000, to fill an Ohio vacancy on the sixth Circuit. Both home state senators indicated their approval of his nomination. Nevertheless, he was not granted a Judiciary Committee hearing. In his testimony before the Judiciary Committee, Professor Markus recollected the events:

> ''. . . To their credit, Senator DeWine and his staff and Senator Hatch's staff and others close to him were straight with me. Over and over again they told me two things:
>
> (1) There will be no more confirmations to the 6th Circuit during the Clinton Administration, and
>
> (2) This has nothing to do with you; don't take it personally—it doesn't matter who the nominee is, what credentials they may have or what support they may have.

And Professor Markus continued:

> ''. . . On one occasion, Senator DeWine told me ''This is bigger than you and it's bigger than me.'' Senator Kohl, who had kindly agreed to champion my nomination within the Judiciary Committee, encountered a similar brick wall . . . The fact was, a decision had been made to hold the vacancies and see who won the presidential election. With a Bush win, all those seats could go to Bush rather than Clinton nominees.

The logic of it was quite straightforward, and unfair.

Senator STABENOW and I are not alone in our view that what occurred with respect to the Michigan nominees was fundamentally unfair. As I said, even Judge Gonzales, then-White House Counsel, has acknowledged that the treatment of some nominees during the Clinton administration was ''inexcusable.''

Given that belief, Senator STABENOW and I had hoped that the Bush administration might consider a bipartisan approach and believed that simply moving forward with Bush nominees would mean the unfair tactic used against the Clinton nominees would succeed.

The number of Michigan vacancies on the federal courts provided an unusual opportunity for bipartisan compromise. In an effort to achieve a fair resolution of the mistreatment of President Clinton's Michigan nominees, Senator STABENOW and I proposed a bipartisan commission to recommend nominees to the President for two of the then-four open Michigan Sixth Circuit positions. Similar commissions have successfully been used in other states. Such a commission would not guarantee the recommendation of any particular individual, much less the nomination of any particular individual, since the nomination decision is the President's alone. That proposal was rejected. The administration rejected another proposal to resolve the matter suggested by Senator LEAHY and endorsed by then-Republican Governor John Engler.

In the hopes of stimulating a bipartisan response, Senator STABENOW and I returned negative blue slips on President Bush's nominees. Despite past practice of not proceeding in the face of negative blue slips from home state Senators, the Judiciary Committee held hearings on the nominees.

In 1999, Chairman HATCH had stated, with respect to the Clinton nomination of Judge Ronnie White, ''had both home-State Senators been opposed to Judge (Ronnie) White in committee, [he] would never have come to the floor under our rules, [and] that would be true whether they are Democrat Senators or Republican Senators. That has just been the way the Judiciary Committee has operated . . .''

During the entire Clinton Presidency, it is my understanding that not a single judicial nominee got a Judiciary Committee hearing if there was opposition by one home-state Senator, let alone two. In our case, both home-state Senators opposed proceeding with President Bush's Michigan judicial nominees absent a bipartisan approach, but the Committee held hearings anyway.

So, the unreturned blue slips of one Republican Senator was enough to block Judiciary Committee consideration of two nominees by a Democratic President. But despite negative blue slips of both home State Democratic Senators, hearings were held for Sixth Circuit nominations of President Bush. That is inconsistent and unfair.

Mr. President, each of us who was here during that time knows what happened to President Clinton's Michigan nominees to the Sixth Circuit was unfair. Senator HATCH said it accurately, and I give him credit for putting it just this way when, in July of 2004, he said the following:

> The two senators from Michigan have been very upset and if I'd put myself in their shoes I'd feel the same way.

Well, it is time, however, to move on. And we support moving on with these two nominations and hope that in doing so, it might produce some bipartisanship and compromise. But bipartisanship cannot just be a one-way street. It requires reciprocity.

In closing, I thank the many Senators who worked for a bipartisan approach to the Michigan nominees. In particular, I thank Senator HARRY REID, who, like Senator Daschle before him, got personally involved and tried to achieve a compromise. I thank Senator LEAHY for his extraordinary efforts over the many years. I cannot tell you how many times he came to the Senate floor to make a statement. I thank him for his efforts personally to try to resolve this matter. I also thank Senator SPECTER, who has recently provided some bipartisan suggestions to the White House.

With that, Mr. President, I thank the Chair and yield the floor.

I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SPECTER. Mr. President, President George W. Bush first nominated Judge Richard Allen Griffin to the Sixth Circuit on June 26, 2002.

During the 108th Congress, on June 16, 2004, the committee held a hearing on the nomination of Judge Griffin. He was successfully voted out of committee on July 20, 2004.

Judge Griffin is a judge of the Michigan Court of Appeals currently serving his 16th year on the court.

Judge Griffin is an outstanding and highly qualified candidate.

After graduating magna cum laude from Western Michigan University Honors College, Judge Griffin received his juris doctor from the University of Michigan Law School in 1977.

Upon graduating from law school, Judge Griffin clerked for the Honorable Washtenaw Circuit Judge Ross W. Campbell. He then became an associate and eventual partner at Coulter Cunningham, Davison & Read.

In 1985, Judge Griffin started his own firm, Read & Griffin, where he practiced a broad range of litigation, including automobile negligence, premises liability, products liability, and employment law. Judge Griffin engaged in both plaintiff and defense personal injury litigation.

During this time, Judge Griffin also provided pro bono legal services as a volunteer counselor and attorney with the Third Level Crisis Clinic.

In 1989, Judge Griffin successfully ran for the Michigan Court of Appeals. He was reelected to retain his seat in 1996, and again in 2002.

The American Bar Association rated Judge Griffin ''Well-Qualified'' for appointment to the Sixth Circuit.

Judge Griffin has engaged in numerous noteworthy activities. In addition to his duties on the Michigan Court of Appeals, Judge Griffin also devotes a significant amount of time to volunteer activities. Judge Griffin has served as president of the Grant Traverse Zoological Society since 1987. He also has served as chief judge of the YMCA Youth in Government Mock Trial Program since 1997.

Judge Griffin has widespread support.

Gerald Ford, 38th President of the United States, said:

> I can say with conviction that Judge Griffin is a person of the highest quality character. As the record shows, he has been a very excellent Judge with unquestioned integrity.

Maura D. Corrigan, chief justice, Michigan Supreme Court, said:

> Judge Griffin brings a depth of practical experience and a grasp of real life problems to the decisions of cases . . . Richard Allen Griffin is a man of integrity and probity who is fully capable of discharging the duty of protecting our Constitution and laws. He is deserving of the public trust as he has already proven himself worthy of that trust during his years of service to the State of Michigan.

William C. Whitbeck, chief judge, Michigan Court of Appeals, said:

> [T]here is no question that the United States Senate should promptly confirm Judge Griffin for the position on the Sixth Circuit . . . He is a decisive, scholarly judge with an instinct for the core issues and with a flair for authoring crisp, understandable opinions.

Stephen L. Borrello, judge, Michigan Court of Appeals, said:

> Judge Griffin possesses a rare trait amongst my colleagues: an intrinsic sense of justice. His innate fairness is combined with a rigorous work ethic and a thorough grasp of legal issues. Judge Griffin is one of the finest jurists in this State.

Mr. President, Judge David McKeague was originally nominated by President George W. Bush on November 8, 2001, and was renominated by the President on February 14, 2005. He received a hearing on June 16, 2004, and was voted out of the Judiciary Committee on July 20, 2004.

Judge McKeague is extremely well qualified to sit on the Court of Appeals for the Sixth Circuit. Judge McKeague has a B.A. from the University of Michigan and a J.D. from the University of Michigan Law School. Upon his graduation from law school, he joined the law firm of Foster, Swift, Collins & Smith, P.C., in Lansing, MI, and was elected a shareholder and director of the firm. Judge McKeague served on the firm's Executive Committee in various offices, and was chairman of the firm's Government and Commerce Department, for many years before his confirmation to the Federal bench in 1992.

Since February 1992, Judge McKeague has served as a judge on the U.S. District Court for the Western District of Michigan. Judge McKeague has regularly participated by designation on, and authorized appellate opinions for, panels of the U.S. Court of Appeals for the Sixth Circuit. The American Bar Association has rated Judge McKeague as unanimously ''well-qualified'' for appointment to the Sixth Circuit.

Judge McKeague is an active member of the community and several professional associations. Judge McKeague has been active as a member of several community, local, and professional organizations, including the Judicial Conference of the United States, the Federal Judicial Center, the Michigan State and Ingham County bar associations. Both while in private practice and while on the Federal bench, Judge McKeague has directed and participated in numerous seminars, moot court competitions, and trial advocacy programs at high schools, universities and law schools throughout Michigan.

Prior to his confirmation to the Federal bench, he served 6 years in the U.S. Army Reserve. Since 1998, he has also served as an adjunct professor of law at Michigan State University's Detroit College of Law, where he teaches Federal Jurisdiction and Trial Advocacy.

Judge McKeague has the support of many attorneys and peers in Michigan, including several Democrats.

John H. Logie, attorney and Mayor of Grand Rapids, said:

> What emerged from our mutual experiences was a deep admiration for Judge McKeague's concerns both with the processes of the court and with their impact on people. If these are matters that we want out appellate judges to have in equal measure, then I can and do assure you that he will be an excellent choice.

Paul D. Borman, U.S. District Judge for the Eastern District of Michigan, said:

> I have known Judge McKeague for seven years and I can vouch for his intelligence, hard work, and commitment to equal protection under the law.

Randall S. Levine, attorney and lifelong Democrat, said:

> Judge McKeague is extremely intelligence, possesses a sharp wit and keen intellect . . . His integrity is beyond reproach.

Mr. LEAHY. Mr. President, as we debate the nominations of Richard Griffin and David McKeague to the Sixth Circuit Court of Appeals, and move on to their almost certain confirmation, I believe we must acknowledge the cooperation and statesmanship of the two Senators from Michigan who have compromised a great deal in order to contribute to the preservation of the rules and traditions of the Senate. Senator LEVIN and Senator STABENOW have spent much of the last 4 years trying to persuade the President to fulfill his constitutional duty and consult with them on his Michigan appointments, to no avail. Because of that lack of cooperation, combined with the shameful treatment given to President Clinton's nominees, the Michigan Senators exercised their right as home State Senators to withhold their consent to the nominations of candidates chosen without consultation to the Sixth Circuit.

The Michigan Senators had the support of other Senators. Nonetheless, the Michigan Senators, with grace and dedication to this institution, withdrew their opposition to three of those nominees as part of the discussions related to averting the nuclear option. Because of their willingness to go forward, we are here today debating and voting upon the confirmation of two nominees to the Sixth Circuit despite a lack of consultation by President Bush and a complete disregard for the history of this court.

First, it is essential to explain what a significant break with precedent it was that these two nominees were even given a hearing in the last Congress without the support of either of their home State Senators. The scheduling of that hearing was another example of the downward spiral the committee traveled over the last 2 years, when we witnessed rule after rule broken or misinterpreted away.

The list is long. From the way that home State Senators were treated to the way hearings were scheduled, to the way the committee questionnaire was altered, to the way our committee's historic protection of the minority by committee rule IV was violated; the Republican leadership on the committee last Congress destroyed virtually every custom and courtesy that had been available to help create and enforce cooperation and civility in the confirmation process.

The then-chairman of the committee crossed a critical line that he had never before crossed when in June of 2003, he held a hearing for Henry Saad, another of the Michigan nominees to the Sixth Circuit, opposed by both of his home State Senators. It may have been the first time any chairman and any Senate Judiciary Committee proceeded with a hearing on a judicial nominee over the objection of both home State Senators. It was certainly the only time in the last 50 years, and I know it to be the only time during my 31 years in the Senate.

Having broken a longstanding practice of the Judiciary Committee founded on respect for home State Senators, whether in the case of a district or circuit court nominee, the committee's leadership did not hesitate to break it again and hold a hearing for Richard Griffin and David McKeague.

The Michigan Senators did not do what so many other Senators did when holding up more than 60 of President Clinton's nominees, and block them silently. To the contrary, they came to the committee and articulated their very real grievances with the White House and their honest desire to work towards a bipartisan solution to the problems filling vacancies in the Sixth Circuit. We should have respected their views, as the views of home State Senators have been respected for decades. I urged the White House to work with them. I proposed reasonable solutions to the impasse that the White House rejected. The Michigan Senators proposed reasonable solutions, including a bipartisan commission, but the White House rejected every one.

Although President Bush promised on the campaign trail to be a uniter and not a divider, his practice once in office with respect to judicial nominees has been most divisive. Citing the remarks of a White House official, The Lansing State Journal reported that President Bush was simply not interested in compromise on the existing vacancies in the State of Michigan. It is unfortunate that the White House was never willing to work toward consensus with all Senators and on all courts. Over the last 4 years, time and again the good faith efforts of Senate Democrats to repair the damage done to the judicial confirmation process over the previous six years were rejected. And time and again, the rules were thrown by the wayside.

When Republicans chaired the Judiciary Committee and we were considering the nominations of a Democratic President, one negative blue slip from just one home State Senator was enough to doom a nomination and prevent a hearing on that nomination. This included all nominations, including those to the circuit courts. How else to explain the failure to schedule hearings for such qualified and noncontroversial nominees as James Beaty and James Wynn, African-American nominees from North Carolina? What other reason could plausibly be found for what happened to the nominations of Enrique Moreno and Jorge Rangel—both Latino, both Harvard graduates, both highly rated by the ABA, and both denied hearings in the Judiciary Committee? There is no denying that was the rule during the previous Democratic administration. There is no way around the conclusion that with a Republican in the White House, the Republicans in the Senate have found it politically expedient to change the rules and reverse their own practices time and again.

In all, more than 60 of President Clinton's judicial nominees and more than 200 of his executive branch nominees were defeated in Senate committees through the enforcement of rules and precedents that the Republican majority later found inconvenient—now that there is a Republican in the White House. Indeed, among the more than 60 Clinton judicial nominees who the committee never considered there were more than a few who were blocked despite positive blue slips from both home State Senators. So long as a Republican Senator had an objection, it appeared to be honored, whether that was Senator Helms of North Carolina objecting to an African-American nominee from Virginia or Senator Gorton of Washington objecting to nominees from California.

During the last Congress, the Judiciary Committee also took the unprecedented action of proceeding to a hearing on the nomination of Carolyn Kuhl to the Ninth Circuit over the objection of Senator BOXER. When the senior Senator from California announced her opposition to the nomination as well at the beginning of a Judiciary Committee business meeting, I suggested to the chairman that further proceedings on that nomination ought to be carefully considered. I noted that he had never proceeded on a nomination opposed by both home State Senators once their opposition was known. Senator FEINSTEIN likewise reminded the then-chairman of his statements in connection with the nomination of Ronnie White when he acknowledged that had he known both home Sstate Senators were opposed, he would never have proceeded. Nonetheless, in one in a continuing series of changes of practice and position, the committee was required to proceed with the Kuhl nomination. A party-line vote was the result.

With the Saad nomination, the committee made a further profound change in its practices. When a Democratic President was doing the nominating and Republican Senators were objecting, a single objection from a single home State Senator stalled the nomination. There was not a single example of a single time that the committee went forward with a hearing over the objection or negative blue slip of a single Republican home State Senator during the Clinton administration. But once a Republican President was doing the nominating, no amount of objecting by Democratic Senators was sufficient. The committee overrode the objection of one home State Senator with the Kuhl nomination. The committee overrode the objection of both home State Senators when a hearing and a vote was held on the Saad nomination, and once more by holding a hearing and vote for the two circuit court nominees we are discussing today.

I know it is frustrating that there have been unfilled vacancies on the Sixth Circuit for so long. Many of us experienced worse frustration during the Clinton years when good nominees were held up for no discernable reason—other than politics. During President Clinton's second term, the Republican Senate majority shut down the process of confirmations to the Sixth Circuit entirely, and three outstanding nominees were not accorded hearings, committee consideration or Senate votes. In fact, while there were numbers of vacancies on the Sixth Circuit and nominees for those vacancies, from November of 1997 there was not a confirmation to that court until the confirmation of Julia Smith Gibbons while I was chairman on July 29, 2002, a span of nearly 5 years. Not a single Sixth Circuit nominee was even given a hearing during Republican control of the 106th Congress, and one of the nominees, Kent Marcus from Ohio, testified at a Judiciary subcommittee hearing in 2002 that he was told that he would not be confirmed despite public support from his home State Senators. Republicans wanted to keep the vacancies in

case a Republican was elected President.

When I chaired the committee, we broke that impasse with the first Sixth Circuit confirmation in those many years. I scheduled a hearing and a vote for Julia Smith Gibbons of Tennessee, who was confirmed shortly thereafter, and I did the same for John Rogers of Kentucky, who was confirmed in November of 2002.

I know that around the time a Republican leadership staffer was found to have stolen confidential Democratic files there were outrageous accusations made that Judge Gibbons' confirmation was delayed to affect a pending affirmative action case in some way. I have never considered the outcome of any particular case when scheduling that or any other nominee for a hearing.

The facts of this nomination belie this scurrilous accusation. Judge Gibbons was nominated to the Sixth Circuit in October 2001 but did not have a completed file until November 15, shortly before the end of the first session of the 107th Congress. Before her paperwork was complete, the Sixth Circuit panel assigned to the affirmative action cases had already circulated a request for the full court to hear argument, and on November 16, the Sixth Circuit ordered that the case to be argued to the full court. The oral argument in that case took place after Thanksgiving, on December 6.

Given the lateness of her nomination, her paperwork, and the year, Gibbons could not realistically have expected a hearing, a committee vote and a confirmation vote to all have taken place in the 3 weeks between the time her paperwork was complete and the time the Sixth Circuit sat for the oral argument in that case and took a poll about the outcome of that case. The ordinary practice is that only the judges who are on the court at the time the court votes to hear the case ''en banc'' can participate in the case, even if they retire. It is just unreasonable to contend that Judge Gibbons could have heard the December 6 argument in that case.

When we returned for the second session of the 107th Congress, I scheduled several hearings at the request of a number of different Republican Senators. The first circuit court nominee to get a hearing was Michael Melloy for the Eighth Circuit at Senator GRASSLEY's request; followed by Judge Pickering, who was supported by Senator LOTT; then Judge D. Brooks Smith, for the Third Circuit, at Senator SPECTER's request; then Terrence O'Brien, for the Eighth Circuit, at the request of Senators THOMAS and ENZI; and Jeffrey Howard, for the First Circuit, who was supported by Senator Bob Smith.

Once those hearings were completed, in the week of April 15, I scheduled a hearing for Judge Gibbons. Her hearing was held on April 25. I listed her for a committee vote the very next week, and all of the Democratic Senators joined in voting her out the same day, May 2. She did not get an immediate floor vote due to a dispute between the White House and Senators over commissions, but she was ultimately confirmed on July 29, 2002.

The Sixth Circuit issued its decision in the Michigan affirmative action case on May 14, 2002, which means the judges were already working on the majority and dissenting opinions for weeks, likely even months, given the complexity of the case. The Supreme Court, where I think we all knew the issue would finally be decided, accepted the appeal of the affirmative action decision later that year and issued its ruling on June 23, 2003.

To say that Democrats used their power to influence the Sixth Circuit in any case is demonstrably false. What is factually true is that from the time the case against the University of Michigan case was filed in District Court until the time I facilitated the confirmation of Judge Gibbons, Republicans had successfully blocked any and all appointees to that Circuit.

Even after the 107th Congress, Democrats continued to cooperate in filling seats on the Sixth Circuit. Although many of us strongly opposed their nominations, we did not block the confirmations of two more controversial judges to that court: Deborah Cook and Jeffrey Sutton. With their confirmations, that brought us to a total of four Sixth Circuit confirmations in 3 years as opposed to no confirmation in the last 3 years of the Clinton administration. We cut Sixth Circuit vacancies in half. With cooperation from the White House, we could have done even better.

The Republican Senate majority refused for over 4 years to consider President Clinton's well-qualified nominee, Helene White, to the Sixth Circuit. Judge White has served on the Michigan Court of Appeals with Judge Griffin since 1993, and, prior to her successful election to that seat, served for nearly 10 years as a trial judge, handling a wide range of civil and criminal cases. She was first nominated by President Clinton in January 1997, but the Republican-led Senate refused to act on her nomination. She waited in vain for 1,454 days for a hearing, before President Bush withdrew her nomination in March 2001. It stands in contrast to the recent mantra from Republicans that every judicial nominee is entitled to an up-or-down vote.

President Clinton had also nominated Kathleen McCree Lewis. She is the daughter of a former Solicitor General of the United States and a former Sixth Circuit Judge. She was also passed over for hearings for years. No effort was made to accord her consideration in the last 18 months of President Clinton's term. The Republican double standard denied her the treatment they now demand for every Bush nominee.

Despite the flawed process that brought us here, the Michigan Senators understood that in recent weeks we found ourselves on the brink of a terrible moment in the United States Senate when the majority leader would break the rules to change the rules in order to achieve the President's goal of packing the courts. They understood the extreme tactics of the Republican majority. I applaud their sacrifice, and hope that the President was listening to the 14 other Senators who expressly asked him in their memorandum of understanding on nominations to engage in real consultation with home State Senators. That is sound advice.

In deference to the Michigan Senators, I will no longer oppose these confirmations. Still, there are issues related to their records and views that trouble me. I hope that they will be able to put any ideologies or preconceptions aside and rule fairly in all cases.

As a judge on the Michigan Court of Appeals since 1989, Judge Griffin has handled and written hundreds of opinions involving a range of civil and criminal law issues. Yet, a review of Judge Griffin's cases on the Michigan Court of Appeals raises concerns. He has not been shy about interjecting his own personal views into some of his opinions, indicating that he may use the opportunity, once confirmed, to further his own agenda when confronted with cases of first impression.

For example, in one troubling case involving the Americans with Disabilities Act—ADA—Doe v. Mich. Dep't of Corrections, Judge Griffin followed precedent and allowed the State disability claim of disabled prisoners to proceed, but wrote that, if precedent had allowed, he would have dismissed those claims. Griffin authored the opinion in this class action brought by current and former prisoners who alleged that the Michigan Department of Corrections denied them certain benefits on the basis of their HIV-positive status. Although Judge Griffin held that the plaintiffs had stated a claim for relief, his opinion makes clear that he only ruled this way because he was bound to follow the precedent established in a recent case decided by his Court. Moreover, he went on to urge Congress to invalidate a unanimous Supreme Court decision, written by Justice Scalia, holding that the ADA applies to State prisoners and prisons. He wrote, ''While we follow Yeskey, we urge Congress to amend the ADA to exclude prisoners from the class of persons entitled to protection under the act.''

In other cases, he has also articulated personal preferences that favor a narrow reading of the law, which would limit individual rights and protections. For example, in Wohlert Special Products v. Mich. Employment Security Comm'n, he reversed the decision of the Michigan Employment Security Commission and held that striking employees were not entitled to unemployment benefits. The Michigan Supreme Court vacated part of Judge Griffin's decision, noting that he had inappropriately made his own findings of fact

when ruling that the employees were not entitled to benefits. This case raises concerns about Judge Griffin's willingness to distort precedent to reach the results he favors.

In several other cases, Judge Griffin has gone out of his way to interject his conservative personal views into his opinions. The appeals courts are the courts of last resort in over 99 percent of all federal cases and often decide cases of first impression. If confirmed, Judge Griffin will have much greater latitude to be a conservative judicial activist.

It is ironic that Judge Griffin's father who, as Senator in 1968, launched the first filibuster of a Supreme Court nominee and blocked the nomination of Justice Abe Fortas to serve as Chief Justice. Despite the deference given in those days to the President's selected nominee, former Senator Griffin led a core group of Republican Senators in derailing President Johnson's nomination by filibustering for days. Eventually, Justice Fortas withdrew his nomination. I know that the Republicans here have called filibusters of Federal judges ''unconstitutional'' and ''unprecedented'', but this nominee's father actually set the modern precedent for blocking nominees by filibuster on the Senate floor.

The second of the two nominees before us today is David McKeague. His record raises some concerns, and his answers to my written questions on some of these issues did little or nothing to assuage them.

In particular, I am concerned about Judge McKeague's decisions in a series of cases on environmental issues. In *Northwoods Wilderness Recovery* v. *United States Forest Serv.*, 323 F.3d 405 (6th Cir. 2003), Judge McKeague would have allowed the U.S. Forest Service to commence a harvesting project that allowed selective logging and clear-cutting in areas of Michigan's upper peninsula. The appellate court reversed him and found that the Forest Service had not adhered to a ''statutorily mandated environmental analysis'' prior to approval of the project, which was dubbed ''Rolling Thunder.''

Sitting by designation on the Sixth Circuit, Judge McKeague joined in an opinion that permitted the Tennessee Valley Authority—TVA—broadly to interpret a clause of the National Environmental Policy Act in a way that would allow the TVA to conduct large-scale timber harvesting operations without performing site-specific environmental assessments. This is the case of *Help Alert Western Ky., Inc.* v. *Tenn. Valley Authority*, 1999 U.S. App. LEXIS 23759 (6th Cir. 1999). The majority decision in this case permitted the TVA to determine that logging operations that covered 2,147 acres of land were ''minor,'' and thus fell under a categorical exclusion to the environmental impact statement requirement. The dissent in this case noted that the exclusion in the past had applied only to truly ''minor'' activities, such as the purchase or lease of transmission lines, construction of visitor reception centers and onsite research.

Judge McKeague also dismissed a suit brought by the Michigan Natural Resources Commission against the Manufacturer's National Bank of Detroit, finding that the bank was not liable for the costs of environmental cleanup at sites owned by a ''troubled borrower.'' This is the case of *Kelley ex rel. Mich. Natural Resources Comm'n* v. *Tiscornia*, 810 F. Supp. 901 (W.D. Mich. 1993). The bank took over the property from Auto Specialties Manufacturing Company when it defaulted on its loans. The Natural Resources Commission argued that the bank should be responsible for taking over the cost of cleanup because it held the property when the toxic spill occurred, but Judge McKeague disagreed.

In *Miron* v. *Menominee County*, 795 F. Supp. 840 (W.D. Mich. 1992), Judge McKeague rejected the efforts of a citizen who lived close to a landfill to require the Federal Aviation Administration to enjoin landfill cleanup efforts until an environmental impact statement regarding the efforts could be prepared. The citizen contended that if the statement were prepared, the inadequacies of a State-sponsored cleanup would be revealed and appropriate corrective measures would be undertaken to minimize further environmental contamination and wetlands destruction. Holding that the alleged environmental injuries were ''remote and speculative,'' Judge McKeague denied the requested injunctive relief.

In *Pape* v. *U.S. Army Corps of Engineers*, 1998 U.S. Dist. LEXIS 9253 (W.D. Mich.), Judge McKeague seems to have ignored relevant facts in order to prevent citizen enforcement of environmental protections. Dale Pape, a private citizen and wildlife photographer, sued the U.S. Corps of Army Engineers under the Federal Resource Conservation and Recovery Act of 1976 (RCRA), alleging that the Corps mishandled hazardous waste in violation of RCRA, destroying wildlife in a park near the site. Despite the Supreme Court's holding in Lujan v. Defenders of Wildlife that ''the desire to use or observe an animal species, even for purely esthetic purposes, is undeniably a cognizable interest for purpose of standing,'' and even though RCRA specifically conferred the right for citizen suits against the government for failure to implement orders or to protect the environment or health and safety, Judge McKeague dismissed the case, holding that plaintiff lacked standing to sue.

Judge McKeague found plaintiff's complaint insufficient on several grounds, in particular plaintiff's inability to establish which site specifically he would visit in the future. Plaintiff had stated in his complaint that he ''has visited the 'area around' the RACO site 'at least five times per year' and that he has made plans to vacation in 'Soldiers Park' located 'near' the RACO site in early October 1998, where he plans to spend his time 'fishing, canoeing, and photographing the area.' '' Comparing Pape's testimony with that of the Lujan plaintiff, who had failed to win standing after he presented general facts about prior visits and an intent to visit in the future, Judge McKeague rejected Pape's complaint as too speculative, based on the Court's holding in Lujan that:

> [Plaintiffs'] profession of an ''intent'' to return to the places [plaintiffs] had visited before—where they will, presumably, this time, be deprived of the opportunity to observe animals of the endangered species—is simply not enough to establish standing . . .. Such ''some day'' intention— without any description of concrete plans, or indeed, even any specification of when the some day will be—do not support a finding of the ''actual or imminent'' injury that our cases require.

In concluding that ''the allegations contained in plaintiff's first amended complaint fail to establish an actual injury because they do not include an allegation that plaintiff has specific plans to use the allegedly affected area in the future,'' Judge McKeague seemed to ignore completely the detailed fact description that Pape submitted in his amendment complaint. The judge further asserted that there was no causal connection between the injury and the activity complained of, and that, in any case, the alleged injury was not redressable by the suit.

On another important topic, that of the scheme of enforcing the civil and constitutional rights of institutionalized persons, I am concerned about one of Judge McKeague's decisions. In 1994, in *United States* v. *Michigan*, 868 F. Supp. 890 (W.D. Mi. 1994), he refused to allow the Department of Justice access to Michigan prisons in the course of its investigation into some now notorious claims of sexual abuse of women prisoners by guards undermines the long-established system under the Constitutional Rights of Institutionalized Persons Act or CRIPA. That act's investigative and enforcement regime is unworkable if the Department of Justice is denied access to State prisons to determine if enough evidence exists to file suit, and Judge McKeague's tortured reasoning made it impossible for the investigation to continue in his district.

I know that concern for the rights of prisoners who have often committed horrendous criminal acts is not politically popular, but Congress enacted the law and expected its statute and its clear intent to be followed. It seems to me that Judge McKeague disregarded legislative history and the clear intent of the law, and that sort of judging is of concern to me.

Finally, I must express my profound disappointment in his answer to a question I sent him about a presentation he made in the Fall of 2000, when he made what I judged to be inappropriate and insensitive comments about the health and well-being of sitting Supreme Court Justices. In a speech to a law school audience about the impact of the 2000 elections on the

courts, Judge McKeague discussed the possibility of vacancies on the Court over the following year. In doing so he felt it necessary to not only refer to—but to make a chart of—the Justices' particular health problems, and ghoulishly focus on their life expectancy by highlighting their ages. He says he does not believe he was disrespectful, and used only public information. There were other, better ways he could have made the same point, and it is too bad he still cannot see that.

Under our Constitution, the Senate has an important role in the selection of our judiciary. The brilliant design of our Founders established that the first two branches of Government would work together to equip the third branch to serve as an independent arbiter of justice. As columnist George Will once wrote: ''A proper constitution distributes power among legislative, executive and judicial institutions so that the will of the majority can be measured, expressed in policy and, for the protection of minorities, somewhat limited.'' The structure of our Constitution and our own Senate rules of self-governance are designed to protect minority rights and to encourage consensus. Despite the razor-thin margin of recent elections, the majority party has never acted in a measured way but in complete disregard for the traditions of bipartisanship that are the hallmark of the Senate. It acted to ignore precedents and reinterpret longstanding rules to its advantage, but fortunately its attempt to eliminate the voice of the minority entirely failed because of the efforts of well-meaning and fair-minded Senators. Two more well-meaning and fair-minded Senators did their part to save the Senate by clearing the way for the confirmation of the two nominees today. I hope that despite the concerns I have expressed and others that may emerge during this debate, once confirmed Judge Griffin and Judge McKeague will fulfill their oath and provide fair and impartial justice to all who come before them.

Mr. McCONNELL. Mr. President, I rise in support of the nominations of David McKeague and Richard Griffin to the Sixth Circuit Court of Appeals.

The Sixth Circuit covers thirty million people in Michigan, Ohio, Tennessee and my home State of Kentucky. For the last several years, the Sixth Circuit has been operating with at least one-fourth of its 16 seats empty. This 25 percent vacancy rate is the highest vacancy rate among Federal circuit courts. The Administrative Office of the Courts has declared all four of these empty seats to be ''judicial emergencies.''

Because of this high vacancy rate, the Sixth Circuit has been operating under a crushing caseload burden and has been the slowest circuit in the Nation. According to the AOC, last year—like the year before it—the Sixth Circuit was a full 60 percent behind the national average. In 2004, the national average for disposing of an appeal in the Federal circuit courts was 10.5 months. But in the Sixth Circuit, it took almost 17 months to decide an appeal. For your average litigant, that means in other circuits, if you file your appeal at the beginning of the year, you get your decision around Halloween. But in the Sixth Circuit, if you file your appeal at the same time, you get your decision after the following Memorial Day—over a half year later.

Mr. President, you know the old saying that ''justice delayed is justice denied.'' Well, the thirty million residents of the Sixth Circuit have been denied justice due to the continued obstruction of Michigan nominees by my Democrat colleagues. What is the reason for this sorry state of affairs? An intra-delegation spat in the Michigan delegation from years ago—when a quarter of the current Senate was not even here. Nor, I might add, was the current President around either. This dispute has dragged on year after year. I do not know who started it.

My colleagues from Michigan cite Clinton nominees to the Sixth Circuit who did not receive hearings. Other people note that our colleagues from Michigan do not have a monopoly on disappointment. They point to Michigan nominees from President George Herbert Walker Bush, such as Henry Saad and John Smietanka, who did not get hearings when Democrats controlled the Senate Judiciary Committee in the early 1990s.

Regardless of who started what and when, all the residents in the Sixth Circuit have been suffering from the refusal of our Democratic colleagues to allow these seats from Michigan to be filled. Moreover, this obstruction has been out of all proportion to any alleged grievance. Specifically, our colleagues had been blocking four circuit court nominees from Michigan, as well as three district court nominees from Michigan. But of these seven Michigan vacancies that the Democrats had been refusing to let the Senate fill, five of the seats were not even involved in this dispute. President Clinton never nominated anyone to the seat to which current nominee Henry Saad has been nominated. The seat to which current nominee David McKeague has been nominated did not even become vacant until the current Bush administration. And the three district court seats that are being blocked were not involved in the dispute either. So my friends from Michigan had been holding up one-fourth of an entire circuit in crisis, along with three district court seats, because of an internal dispute about two seats, the genesis of which occurred years ago.

What had my friends from Michigan been demanding in order to lift this blockade? They had wanted to pick circuit court appointments. Mr. President, let us get back to first principles. As much as they would like to, Democrat Senators do not get to pick circuit court judges in Republican administrations. For that matter, Republican Senators do not get to pick circuit court judges in Republican administrations.

Article II, section 2 of the Constitution clearly provides that the President, and the President alone, nominates judges. It then adds that the Senate is to provide its advice and consent to the nominations that the President has made. By tradition, the President may consult with Senators. But the tradition of ''consultation'' does not transform individual Senators into co-presidents. We have elections for that, and President Bush has won the last two.

Fortunately, it appears our friends from Michigan have reconsidered their position. As a result, two fine jurists, Judge Richard Griffin and Judge David McKeague, will get up or down votes, and will be confirmed to the Sixth Circuit Court of Appeals. All residents of the Sixth Circuit will benefit from their service on that court. We should all be thankful for that.

Mr. FRIST. Mr. President, before the recess, the Senate confirmed Priscilla Owen to the Fifth Circuit Court of Appeals. Yesterday, we confirmed Janice Rogers Brown to the DC Circuit. And earlier today, William Pryor was confirmed to serve on the Eleventh Circuit Court of Apeals.

All three of these judges had been waiting for years to get an up-or-down vote on the Senate floor. Until 2 weeks ago, all three of these nominees had been blocked by partisan obstructionist tactics.

In a few minutes, we will give Judge Richard Griffin and Judge David McKeague fair up or down votes. We are making progress on fulfilling our constitutional duty to advise and consent.

The judges before us now are nominees to the Sixth Circuit Court of Appeals—a circuit which includes Michigan, Ohio, Kentucky, and my home State of Tennessee. It is a circuit that desperately needs new judges. My circuit—the Sixth Circuit—has the highest vacancy rate and the slowest appeals process in the Nation.

For the last 3 years, the Sixth Circuit has had the highest the vacancy rate for Federal judges in the nation. Twenty five percent—4 out of 16—of its seats are empty. All four have been declared judicial emergencies.

These vacant judgeships have turned the Sixth Circuit into the slowest circuit in the country. Consider that the national average for an appeal is about 10 months. In the Sixth Circuit, it takes almost 17.

This situation is unfair to our constituents and unfair to the hard-working judges who labor under increasingly heavy caseloads.

Judicial obstruction has been delaying and denying justice to the 30 million people who live in the Sixth Circuit. It is time to end this judicial obstruction and fill these seats with qualified judges.

I would like to comment briefly on the backgrounds of Judges McKeague and Griffin.

The President nominated Judge McKeague on November 8, 2001, and Judge Griffin on June 26, 2002.

Judge Griffin has extensive experience as a practicing attorney. He has appeared before the Federal district courts in Michigan and before the Sixth Circuit Court of Appeals.

He also has served with distinction as a State court judge for well over a decade. As an appellate judge, he wrote over 280 published opinions and heard thousands of criminal and civil cases.

He enjoys bipartisan support from his colleagues. The chief judge of the Michigan Court of Appeals has called Judge Griffin a ''decisive scholarly judge with an instinct for the core issues and with a flair for authoring crisp understandable opinions.''

Judge Griffin has been waiting nearly 3 years for a fair up or down vote. It is time to give him that courtesy. It is time to vote.

Judge David McKeague, likewise, is a highly regarded jurist. In 1992, the Senate voted unanimously to confirm him to serve on the U.S. District Court for the Western District of Michigan.

Many of those same Senators who confirmed Judge McKeague to the district court have been obstructing his nomination to the appellate court for over 3 years.

Judge McKeague was also appointed by Supreme Court Chief Justice Rehnquist to serve on the Judicial Conference's Committee on Defender Services and on the Federal Judicial Center's District Judges Education Committee, which he chairs.

Those in the legal community who have worked with Judge McKeague respect him. One fellow attorney called him ''a person of unquestioned honor and integrity. Judge McKeague's judgments are sound, impartial, and prompt.''

Attorneys who have represented clients before Judge McKeague say that he is fair and ''treats all litigants and litigators with courtesy and respect'' and that ''his rulings are well reasoned with due regard for precedent and the law.''

Judge McKeague has been waiting nearly 4 years for an up-or-down vote. It is time to give him that courtesy. It is time to vote.

Judges Griffin and McKeague are highly qualified individuals with extensive legal experience and bipartisan support. Both have been rated ''well qualified'' by the American Bar Association, the highest rating possible.

It is only because of partisan obstruction that they have not received a fair vote. Justice has been delayed because an up-or-down vote has been denied.

I hope things are changing in the Senate. I am pleased that with today's votes the Senate is continuing to move forward to embrace the principle of fair up or down votes on judicial nominees.

I urge my colleagues to join me to vote to confirm Judge Griffin and Judge McKeague to the Federal appeals court.

Mr. President, for the information of our colleagues, we plan on beginning the votes—there will be two votes—in about 5 minutes. I know a number of people are in meetings and around the Hill, but I want to notify them that we will begin voting at 4:55, in about 5 minutes.

Mr. LEAHY. Mr. President, with the leader on the floor, have the yeas and nays been ordered on these two nominees?

The PRESIDING OFFICER. They have not.

Mr. LEAHY. Mr. President, I ask unanimous consent that it be in order at this time to ask for the yeas and nays on both nominations.

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

Mr. LEAHY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. Mr. President, I know the two Senators from Michigan support both these nominees. They both returned positive blue slips, which is one of the reasons they are moving so quickly.

As to when the time arrives that the leader wishes to begin the votes, I ask unanimous consent that at that time the time on this side of the aisle be yielded back, whether I am on the floor or not.

Mr. FRIST. No objection.

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

Mr. FRIST. Mr. President, I understand that all time will have been yielded back and, therefore, we will be starting the vote at 4:55 sharp.

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

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

Mr. SPECTER. Mr. President, I know our colleagues are anxious to vote. I have put into the RECORD statements in support of the nominations of Richard Allen Griffin to be a judge on the Sixth Circuit Court of Appeals and David W. McKeague to be, similarly, a judge on the Sixth Circuit. It would have been gratifying a couple of years ago to have had this confirmation at that time, but it is good to have it now rather than at some time in the future. It would not serve any useful purpose to go through the litany of reasons these nominees have been held up. Suffice it to say, they are very well qualified, and the Sixth Circuit is in a state of crisis, and it will help the administration of justice to have these nominees confirmed.

Mr. President, I believe we are ready to vote.

VOTE ON NOMINATION OF RICHARD A. GRIFFIN

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Richard A. Griffin, of Michigan, to be United States Circuit Judge for the Sixth Circuit? The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Alaska (Ms. MURKOWSKI).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted ''yea.''

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Vermont (Mr. JEFFORDS), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from Delaware (Mr. BIDEN) would vote ''yea.''

The PRESIDING OFFICER (Mr. COLEMAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 134 Ex.]

YEAS—95

Akaka	Dole	Martinez
Allard	Domenici	McCain
Allen	Dorgan	McConnell
Baucus	Durbin	Mikulski
Bayh	Ensign	Murray
Bennett	Enzi	Nelson (FL)
Bingaman	Feingold	Nelson (NE)
Bond	Feinstein	Pryor
Boxer	Frist	Reed
Brownback	Graham	Reid
Bunning	Grassley	Roberts
Burns	Gregg	Rockefeller
Burr	Hagel	Salazar
Byrd	Harkin	Santorum
Cantwell	Hatch	Sarbanes
Carper	Hutchison	Schumer
Chafee	Inhofe	Sessions
Chambliss	Inouye	Shelby
Clinton	Isakson	Smith
Coburn	Johnson	Snowe
Cochran	Kennedy	Specter
Coleman	Kerry	Stabenow
Collins	Kohl	Stevens
Conrad	Kyl	Sununu
Cornyn	Landrieu	Talent
Corzine	Lautenberg	Thomas
Craig	Leahy	Thune
Crapo	Levin	Vitter
Dayton	Lieberman	Voinovich
DeMint	Lincoln	Warner
DeWine	Lott	Wyden
Dodd	Lugar	

NOT VOTING—5

Alexander	Jeffords	Obama
Biden	Murkowski	

The nomination was confirmed.

VOTE ON NOMINATION OF DAVID W. MCKEAGUE

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of David W. McKeague, of Michigan, to be a United States Circuit Judge for the Sixth Circuit? On this question, the yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), and the Senator from Alaska (Ms. MURKOWSKI).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted ''yea.''

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), and the Senator from Vermont (Mr. JEFFORDS), are necessarily absent.

I further announce that if present and voting, the Senator from Delaware (Mr. BIDEN) would vote ''yea.''

The PRESIDING OFFICER (Mr. CHAFEE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 135 Ex.]

YEAS—96

Akaka	Dole	Martinez
Allard	Domenici	McCain
Allen	Dorgan	McConnell
Baucus	Durbin	Mikulski
Bayh	Ensign	Murray
Bennett	Enzi	Nelson (FL)
Bingaman	Feingold	Nelson (NE)
Bond	Feinstein	Obama
Boxer	Frist	Pryor
Brownback	Graham	Reed
Bunning	Grassley	Reid
Burns	Gregg	Roberts
Burr	Hagel	Rockefeller
Byrd	Harkin	Salazar
Cantwell	Hatch	Santorum
Carper	Hutchison	Sarbanes
Chafee	Inhofe	Schumer
Chambliss	Inouye	Sessions
Clinton	Isakson	Shelby
Coburn	Johnson	Smith
Cochran	Kennedy	Snowe
Coleman	Kerry	Specter
Collins	Kohl	Stabenow
Conrad	Kyl	Stevens
Cornyn	Landrieu	Sununu
Corzine	Lautenberg	Talent
Craig	Leahy	Thomas
Crapo	Levin	Thune
Dayton	Lieberman	Vitter
DeMint	Lincoln	Voinovich
DeWine	Lott	Warner
Dodd	Lugar	Wyden

NOT VOTING—4

Alexander	Jeffords
Biden	Murkowski

The nomination was confirmed.

The PRESIDING OFFICER. The President will be immediately notified of the Senate's action.

The majority leader.

ORDER OF PROCEDURE

Mr. FRIST. Mr. President, pursuant to the order of May 24, I ask unanimous consent that at 2:30 p.m. on Monday, June 13, the Senate proceed to the Griffith nomination as provided under the order; provided further that following the use or yielding back of time, the Senate resume legislative session and the vote occur on the confirmation of the nomination at 10 a.m. on Tuesday, June 14.

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

Mr. FRIST. I ask unanimous consent that on Tuesday, immediately following the vote on the Griffith nomination, the Senate proceed to the consideration of H.R. 6, the Energy bill; provided further that the chairman be recognized in order to offer the Senate-reported bill as a substitute amendment, the amendment be agreed to and considered as original text for the purpose of further amendment.

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

Mr. FRIST. I ask unanimous consent that at 6:30 p.m. on Monday, June 13, the Judiciary Committee be discharged from further consideration of S. Res. 39 and the Senate proceed to its immediate consideration. I further ask unanimous consent there be 3 hours for debate with the time equally divided and controlled between Senators LANDRIEU and ALLEN or their designees, and upon the use or yielding back of time, the Senate proceed to a vote on the adoption of the resolution without intervening action or debate. I ask unanimous consent that upon adoption, the preamble then be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER (Mr. ISAKSON) Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. Mr. President, 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.

FUNDING FOR HOMELAND SECURITY

Mr. GREGG. Mr. President, I rise to speak a little bit about the Department of Homeland Security. I have the good fortune to chair their appropriations committee, and we will be marking up the appropriations bill relative to that agency next week, hopefully, if we can straighten out the proper allocations for funding within the budget, which I expect to happen today under the leadership of Chairman COCHRAN.

The Homeland Security Department is a big one because, of course, this goes to the essence of how we protect ourselves as a nation, how we make sure that we are ready should we be attacked, and how we, hopefully, make it possible for us to avoid such an attack. Regrettably, the Department of Homeland Security has been thrown together and has had some problems as it has tried to shake out in the post-9/11 world.

In fact, the problems have been so extreme that almost a day does not go by that we do not see an inspector general report or a GAO report outlining some function of that agency which simply is not working correctly. Today, there was a report where the inspector general found that there were no backup computer systems within the Department for some of the critical agencies that are involved, but that is only one of literally a stack of GAO and inspector general reports which probably is 2 or 3 feet high.

There is a lot to do in this agency. Certainly, I congratulate the President on bringing aboard Secretary Chertoff. I know he is a hard-driving and committed individual, and I know he is going to try to put together programs which will get that agency focused and functioning in a manner in which the American people expect.

As we look at the agency, however, I do think we have to be driven by a certain theory or theme, a set of policies. The first is that we address threat first and that we start with the highest threats as being the first threats which we should focus on. Of course, the highest threats are weapons of mass destruction coming into the country or being developed in the country which would be used against American citizens.

Those weapons involve things such as chemical or biological weapons or potentially some sort of nuclear device. So we must prepare ourselves and focus that Department on making sure that it is ready to deal with those types of threats.

Some of the responsibility for making ourselves adequately prepared in the area, especially biologics, falls outside the Department and falls with the CDC or HHS—the Health and Human Services Department—which have responsibility for developing vaccines. NIH, for example, National Institutes of Health, has the responsibility for making sure that we are on course to bring on line adequate responses should we be attacked with a biological weapon such as anthrax, a plague or botulism.

The Department still has a huge role in this area, and it obviously has a role in the nuclear area of detection and making sure that we are ready to try to anticipate and stop a weapon of that sort. Below that level of addressing the weapons of mass destruction issues, we have to look at the other areas of threat and how we as a government are structured to handle it.

There was a report today that the President of the United States, in a meeting with the leadership of the House at least, and maybe the Senate, said that he thought we should be focusing on border security as a priority in the area of maintaining our security as a nation. I think that is absolutely true. Most Americans today wonder why there are still literally tens of thousands, maybe hundreds of thousands of people coming across our borders, entering this country illegally.

A lot of other Americans wonder why today there is so much happening in the area of people coming into the country without us knowing what their purposes are or what their potential threat is as individuals. There is concern about our capacity to screen folks who are coming into this Nation who may have as one of their purposes to do us harm. We need to strengthen our ability to stay on top of this situation.

There is significant concern about what is happening within our ports and whether we are putting in place systems which adequately review and give us the capacity to address what might be in a container in one of the hundreds of thousands of containers that

come into this country on a daily basis. So this is an area of high priority. If this report is correct, it is very good that the President has decided to put significant focus on the issue of border security beyond what was obviously energy that was being put into that effort to begin with anyway.

There is no question there has been significant effort in this area, but it needs a lot more effort, and that brings me to what we are planning to do with the appropriations bill. I want to lay out a bit of a precursor to that bill so people will know what is coming and can anticipate it.

Basically, what we intend to do is reorient, to the extent we can, funds within the moneys we have available to us for the Department of Homeland Security to focus on border security because we consider that—or I happen to consider—after we go below the weapons of mass destruction issue, to be the most significant area of need from the standpoint of protecting our national security and making sure that we are able to manage our national security.

Unfortunately, the proposal that came up to us from the administration prior to this recent discussion which occurred at the White House yesterday or the day before did not put the type of resources or focus on that Department that was necessary within the context of the entire Homeland Security Department. As a result, in order to accomplish that within the dollars we have—and the dollars are going to be fairly significant because the chairman of the Appropriations Committee, I believe, has stated not publicly yet but has at least implied that he intends to fund aggressively this activity of the Federal Government because he understands the importance of the security of our Nation. He used to be chairman of this subcommittee and certainly knows its needs. So he is going to give us an allocation which is fairly significant. Within that allocation we do intend to reform and restructure so that we are putting more money into homeland security.

That is going to mean that other accounts we might want to have funded at a higher level are not going to be funded at quite so high a level. We are going to set priorities. My view of how we fund the issue of protecting our national security is that we address the issue of threat, pick the highest threat, and fund responses to that threat. After the issue of weapons of mass destruction, the highest threat is our failure to manage our borders; thus, we are going to put more money into that. That means we will have to take money from accounts which are not necessarily going to make those folks happy in those accounts, but it is necessary if we are going to adequately fund this area.

It is a two-step effort, really. First, we have to put on the border the necessary capability to have a reasonable review of who is coming into the country and what is coming into the country. Today, we do not have that capacity. Within that effort we need to have not only people, but we need to have infrastructure in the form of technology capability and in the form of physical plant capability.

Secondly, we have to have a program in place as a nation which does not create an incentive for people to come into the country illegally. That gets into this whole question of guest worker. My Appropriations Committee may not have that jurisdiction. We would love to have that jurisdiction. We have it marginally, but that is an authorizing exercise, and maybe it will be debated on this bill. But, in any event, we are going to focus on that first part where we do have jurisdiction, which is we are going to significantly tool up our physical and personnel capabilities and our technology capabilities in order to try to address border security at the first level, which is a question of having the people and the resources on the borders, in the ports, in order to effectively manage our borders.

This is not an overnight event. This has been attempted before and it has been singularly unsuccessful. When I had responsibility for Immigration and Border Patrol in the prior committee that was moved over from the Justice Department when they had the Justice Department responsibility moved over to Homeland Security, we were in the midst of trying to gear up the number of Border Patrol agents and we made a commitment to add literally thousands of Border Patrol agents over a series of years. Unfortunately, the Border Patrol first was not able to recruit the people at the price we were willing to pay them because the people were required to be bilingual and actually had talents that in the marketplace could command more than we were willing to pay them, and second, we did not have the training facilities, so we ended up never reaching the increase in numbers of Border Patrol we need in order to effectively address the border.

We are going to try again. The Border Patrol told us the number they think they can train up in a year. We are going to give them more training capacity so in later years we can train more people. We are going to put in pay scales—we already have—that will make it a more attractive job. And we are going to start to hire people who can do the job effectively at fairly significant numbers.

On top of that, we have to do other things. There is within the Department of Homeland Security a program called US-VISIT, about which I have serious misgivings. It is a massive computer undertaking. I have seen these before in other agencies and my sense is this computer initiative is not going well and is not evolving the software and hardware capabilities necessary. We are going to try to focus on that and hopefully turn that corner so that program will in the end be an asset, so we will know who is coming in the country.

There is other work we need to do. We need to increase the number of detention beds. We need to increase the number of people who are doing the prosecution of detainees. We need to increase the capability, the physical plant capacity of the Border Patrol and the Immigration and Customs officers. We need a lot of physical plant and people and technology and we are going to take from other accounts to try to accomplish that as we move this Homeland Security bill forward.

I am putting people on notice that this is the direction we are going. It is my opinion as we move this bill across the floor there should be and will be a lot of interest in this area because securing our borders is, as the President has stated at least indirectly, through hearsay as presented by the leadership of the House, a priority on which it is time we focused like a laser beam and took some action.

Mr. SESSIONS. Will the Senator yield for a question?

Mr. GREGG. I am happy to yield to the Senator from Alabama for a question, or I will yield the floor.

Mr. SESSIONS. I am very pleased the Senator from New Hampshire, Mr. GREGG, is chairing this important committee. He has had a large number of years of intense interest in improving homeland security.

I am not sure he is aware, but yesterday there was a hearing in the Judiciary Committee on the Joint Terrorism Subcommittee and the Immigration Subcommittee. It dealt with people coming into the country illegally, people who were other than Mexicans, on the Mexican border. The story, as described by a reporter in a newspaper article of early May, said that a group—for example, in this case 20 from Brazil—came across the border, looked for the Immigration Border Patrol people, and immediately went up to them and turned themselves in to them. They were taken into some form of custody, placed in some form of transportation, transported further into the country, and then released on their own recognizance. Of the 8,908 notices to appear that the immigration court in Harlington issued to non-Mexicans, 8,767 of them never showed up when they were supposed to come to court.

First, I would note there are a lot of people other than our Mexican neighbors who are coming across that border. Second, there were some plans to expedite removal to these other countries, which is somewhat difficult. Maybe one-fifth of these are being handled in the more expedited and effective way. But I wanted to share that with the Senator. I ask if he thought the committee would be responsive to requests from the Administration to fund those expedited programs, because what we are doing now is not effective at all.

Mr. GREGG. The Senator from Alabama has pointed to one of the many

anecdotal but glaringly difficult instances that should cause us all concern. We are hearing anecdotal information that the Border Patrol is finding material that is clearly written in Arabic, and is clearly Islamic fundamentalist, at the border. People have left it there or it has been left behind by people coming across the border, it appears. So that is obviously an extreme concern.

But your story reflects the fact that these borders are simply not controlled and we don't have the capacity to handle the people when we do catch them. That is going to take a rethinking of the effort. It is going to take a lot of resources. As we move forward as a Congress, we have to think about: Are we putting too many resources in other accounts when we should be focusing on the border? I will take two examples.

One is TSA, our transportation security, which we see in our airports. How many people can we afford there versus the border? The first responder funds that are going out not necessarily on the basis of threat but on the basis of formula, can we afford that in light of the fact we have a threat, which is the border, or should we take another look at other approaches to funding a significant increase in the border security effort?

I look forward to working with the members of the Judiciary Committee. Our role is the money role. We look to you folks to give us the authorizing leadership, which I know you have in the past. You certainly have and certainly other members in your committee are leaders in this area. We look forward to any ideas or thoughts you have which you want to bring forward.

I do think on this bill we should have a fairly open and substantive debate as to how we are going to move forward on the issue of border security. Clearly the White House is committed to this. It is going to take resources.

Mr. SESSIONS. I thank the Senator, also the Chair of the Budget Committee. He answered very well when he said we can't always fund the new things we want to do by pumping new money into them. Sometimes we need to ask ourselves if there is not some money being spent in a way that is less useful, and utilize that money where we have to utilize it.

I am proud to serve with him on that Budget Committee.

THE TEACHER EXCELLENCE FOR ALL CHILDREN ACT OF 2005

Mr. DURBIN. Mr. President, good teachers lead to good students. In fact, recent evidence suggests that providing great teachers may be the single most important thing that we can do to give our children the good education they deserve.

Most of our teachers are hardworking, selfless, and dedicated to helping our children learn. We are asking them for more, however. We continue to demand that our teachers develop greater subject matter expertise, but we have yet to figure out how to help teachers learn while they are still needed in the classroom full time. In addition, to meet growing student need we will need to bring over 2 million new teachers into our public schools over the next decade.

We must attract, develop, and retain as many talented teachers as we can muster. We must act now to begin meeting this critical national crisis.

That is why I am proud to introduce with Senator KENNEDY the Teacher Excellence For All Children Act of 2005. The TEACH Act provides financial incentives to attract and retain our best teachers and principals. The TEACH Act helps schools recognize and reward the best teachers. The TEACH Act encourages good teachers to work in the schools that need good teachers the most, and it also encourages teachers to specialize in the subjects which need the most teachers. Finally, the TEACH Act helps new teachers transition into the classroom, it helps veteran teachers keep their skills sharp, and it attracts talented new principals into our schools.

Developing great teachers takes time, but this is an investment that we as a nation must make. I therefore encourage my colleagues to support the TEACH Act now. Our children deserve nothing less.

FAMILIES OF SEPTEMBER 11'S FINAL REPORT

Mr. LEAHY. Mr. President, less than 2 weeks after the horrific events of September 11, Congress passed a law to establish the September 11 Victim Compensation Fund, providing assistance to victims and their families during an unimaginably difficult time. I was pleased to work with my colleagues to create this needed resource for the families of this national tragedy. The families of victims that died in the September 11 attacks also came together and created their own nonprofit organization, Families of September 11.

Although no amount of compensation can replace a lost loved one, Families of September 11 and Ken Feinberg, the Special Master in charge of overseeing the Fund, worked diligently to improve the rules governing the September 11 Victim Compensation Fund, to give the victims and their families more flexibility and to provide information to victims and their families about how and where they could find support. Working together, Mr. Feinberg and Families of September 11 reached out to the victims and their families to make sure they understood their rights and to assist them in filing their claims. This task was made all the more difficult because many victims and survivors of those terrorist attacks had to confront the logistical burden and emotional pain of filing a death or injury claim.

Last October, Mr. Feinberg submitted to the Department of Justice a final report summarizing the accomplishments and work of the September 11 Victim Compensation Fund. While the September 11 Victim Compensation Fund has reached its final deadline, Families of September 11 continues its mission, including supporting legislation on security and intelligence reform. This week, Families of September 11 also submitted a final report to the Department of Justice, sharing the experiences of the victims and their families, including those who chose not to participate in the September 11 Victim Compensation Fund. The report in its entirety may be read at http://www.familiesofseptember11.org.

Mr. President, I ask that a copy of the Executive Summary of this report be in the RECORD for lawmakers and the public to review.

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

EXECUTIVE SUMMARY: FINAL REPORT OF FAMILIES OF SEPTEMBER 11 ON THE SEPTEMBER 11TH VICTIM COMPENSATION FUND OF 2001

Families of September 11 is a nonprofit organization founded in October 2001 by families of those who died in the September 11 terrorist attacks. We gather and disseminate helpful information, refer victims' families, survivors, and others affected by the events of 9/11 to assistance providers, offer online chat sessions, and address such issues as victims' assistance, methods of response to trauma from terrorist attacks, and the effects of terrorism on children. We support public policies that effectively respond to the threat of terrorism, including support for the 9/11 Commission Recommendations, development of appropriate agency procedures, legislation related to aviation, border, port and transportation security, and intelligence reform.

Our Final Report on the September 11th Victim Compensation Fund follows the format of ''Final Report of the Special Master for the September 11th Victim Compensation Fund of 2001.'' Just as the Special Master's Final Report provides the perspective of the administrator of the Fund, our Report gives voice to those victims and family members who participated in the Fund as well as those who elected not to. Although much of our report serves as counterpoint to the Special Master's observations and conclusions, we agree with much of what is said in his report and our Report should be read with an acknowledgement that the Special Master was asked to and did construct a program in extremely difficult circumstances. The enabling legislation that created the Fund was hastily crafted, imprecise in significant ways, and sometimes internally inconsistent. The Special Master was faced not only with the uncertain nature of the legislation, but with a host of other competing influences: e.g., the enormity of the losses, emotionally overwhelmed victims and families, a stunned public, and conflicting compensation policy ideologies. The Special Master and those who worked with him deserve great credit for their tireless and devoted work under these daunting circumstances, particularly in the administration of the Fund after promulgation by the Department of Justice of the Final Rules.

In many respects, the Fund was a success. Much of this success was due to the efforts of the Special Master and his staff in meeting with individual family members, demonstrating flexibility where possible in making determinations of awards, and expressing

compassion for family members in the process. But, the Special Master's view, expressed in the introduction to his Final Report, that ''the Fund was an unqualified success'' is not shared by many who participated in the Fund and most of those who did not. The options available to the victims and families of September 11 were substantially impaired by the Victim Compensation Act and subsequent legislation. Lawsuits were confined to a narrow population of potentially responsible parties whose liability exposure was limited to available and inadequate insurance (e.g., the airlines). Evidence for use in litigation was sure to be (has been) compromised by government intervention (e.g., assertions of national security and criminal prosecution grounds for non-disclosure). Families were, thus, faced with a Hobson's choice and for most the Fund was the better one.

In December 2004, Families of September 11 conducted a Web-based survey of its members consisting of fourteen questions and an opportunity to make narrative comments designed to elicit information that might be helpful in assessing whether there should be a compensation mechanism in place before another terrorist attack occurs. One hundred forty-four (144) members responded. Though not designed to conform with scientifically reliable protocols, the results are of interest and are included in our Report.

Much of the Special Master's report is devoted to efforts made by him and his staff to assure that families could obtain detailed information about their likely recovery from the Fund and assist families in the process. Although our Report applauds him for these efforts, it points out that had there been preexisting comprehensive legislation in place, the Special Master's extraordinary efforts to educate potential participants about and assist them with the Fund would not have been necessary and the enormous anxiety created by the uncertainties surrounding the Fund would have been avoided.

The regulations promulgated by the Department of Justice established ''grid'' awards with ''extraordinary circumstances'' thresholds of proof to overcome them and no review process. Claimants were accustomed to the very different and more substantial notions of ''hearings'' and ''due process'' embedded in our legal culture and were left disappointed and uncomfortable by the Fund design. Mr. Feinberg and his staff should, however, receive high marks for the way they played the cards dealt them.

The victims and their families were faced with enormous uncertainty in the weeks and months following September 11, 2001, during which the Department of Justice promulgated regulations and the Special Master developed claims handling procedures. It is this uncertainty that Families of September 11 believes must be eliminated by enactment of forward-looking legislation. The victims of future terrorist attacks will need to go on living, as have the victims of the September 11 attacks and should have the comfort of knowing immediately after a terrorist event occurs that they have rights to compensation sufficient to allow them to do so and a clear and certain path to obtaining those rights.

Issues of accountability and responsibility by those in the chain of causation linked to the injuries and deaths on September 11, 2001, and the suffering that followed are of great importance to the survivors of the attacks. The Fund, its enabling legislation, and related congressional and administrative actions had the effect of limiting that accountability and responsibility. Our Report expresses concern that this model tends to increase the risk of future terrorist attacks and needs to be reassessed and remedied.

The Special Master made determinations on 7,403 claims completing its work by the statutory deadline in June 2004. Congress now has the benefit of more than 11,000 comments made to the Justice Department during the rule-making process; the comments of the Special Master; the opinions of lawyers, economists, academics, mental heath professionals, victims and survivors of the attacks; and the developing history of terrorism and its effects on our society. In its report, Families of September 11 encourages Congress and the Administration to:

a. Use the perspectives of time and experience in implementation of the Victim Compensation Fund to consider carefully issues it was forced to address hastily in the immediate aftermath of the terrorist attacks of September 11, 2001;

b. assess how well the rules adopted in 2002 to implement the legislation met Congressional intent;

c. consider the incentives and disincentives to reducing the risks of terrorist attacks implicit in the legislation; and

d. fashion legislation that will reduce those risks and ensure that victims of future terrorist attacks and their families are made whole.

Copies of the ''Final Report of Families of September 11 on the September 11th Victim Compensation Fund of 2001'' may be obtained by contacting Families of September 11 at the address below or by going to its website at www.familiesofsepember11.org.

Families of September 11, Inc., 1560 Broadway, Suite 305, New York, NY 10036, 212–575–1878.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

A gay white male was severely beaten and sent to the hospital by two men in a Columbus gay bar. The victim and a friend noticed the men in the bar when they arrived. At the end of the evening the two males started calling the victim various derogatory names, and pushed him out of the bar. Once outside, the men continued to beat the victim, using liquor bottles. Since the beating, the victim has had his tires slashed and received a letter in his mailbox telling him to 'watch his back.' A police report was filed, but no arrests have been made.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

BREAKING THE CYCLE OF GUN VIOLENCE

Mr. LEVIN. Mr. President, I would like to bring the results of a recent study on gun violence by a University of Michigan researcher to the attention of my colleagues. The study found that adolescents who are exposed to gun violence are more likely to carry out serious acts of violence.

The study, completed by University of Michigan doctoral student Jeffrey Bingenheimer, analyzed data from more than 1,500 adolescents. The participants underwent a series of interviews over the course of several years as part of the Project on Human Development in Chicago Neighborhoods. Among other things, initial interviews focused on exposure to firearm violence, including being shot or shot at or seeing someone else shot or shot at within the previous year. Subsequent interviews were designed to uncover whether the participant had engaged in violent acts themselves. These acts of violence were defined in the study as shooting at or shooting someone, being in a gang fight, attacking someone with a weapon, or carrying a hidden weapon. Reportedly, 23 percent of those interviewed reported being exposed to gun violence and 12 percent indicated that they had carried out violent acts themselves. Statistical analysis of the resulting data revealed that adolescents who were exposed to gun violence were more than twice as likely to carry out violent acts within the following two years.

Describing the results of his study, Mr. Bingenheimer stated, ''The primary implication of these findings is that violence can be transmitted from person to person by means of exposure in the community. This makes the 'epidemic of violence' metaphor seem particularly apt, and is consistent with sociological theories of violent crime as a contagious social process.''

While Congress cannot simply legislate an end to the gun violence epidemic, we can do more to support local law enforcement officials as they work to prevent gun violence in our communities. One important program, known as COPS, was created by President Clinton in 1994 to assist State and local law enforcement agencies in hiring additional police officers to reduce crime through the use of community policing. Nationwide, the COPS program has awarded more than $11 billion in grants, resulting in the hiring of 118,000 additional police officers. Unfortunately, authorization for the COPS program was permitted to expire at the end of fiscal year 2000. Although the program has survived through continued annual appropriations, its funding has been significantly cut. I am a cosponsor of the COPS Reauthorization Act which would continue the COPS program for another six years at a funding level of $1.15 billion per year, nearly double the amount appropriated for fiscal year 2005. Among other things, this funding would allow State and local governments to hire an additional 50,000 police officers. Having more officers on our streets helps to

deter gun violence and therefore reduces the chance that adolescents are exposed to such crimes.

In addition, Congress can make it more difficult for potential criminals to gain access to dangerous firearms. Under current law, when an individual buys a handgun from a licensed dealer, there are federal requirements for a background check to insure that the purchaser is not prohibited by law from purchasing or possessing a firearm. However, this is not the case for all gun purchases. For example, when an individual wants to buy a handgun from another private citizen who is not a licensed gun dealer, there is no requirement that the seller ensure the purchaser is not in a prohibited category. This creates a loophole in the law, making it easy for criminals, terrorists, and other prohibited buyers to evade background checks and buy guns from private citizens often at organized gun shows. This loophole creates a gateway to the illegal market because criminals know they will not be subject to a background check when purchasing from another private citizen even at a gun show. It is important that Congress close this ''gun show loophole'' to help stop the flow of dangerous firearms to prohibited buyers who may use them in violent crimes.

Much more can be done to break the cycle of gun violence that plagues many of our communities. I urge my colleagues to take up and pass common sense legislation that will help to achieve this goal.

TRIBUTE TO SGT RUSSELL J. VERDUGO

Mr. GRASSLEY. Mr. President, today I rise in honor of a fallen soldier who has paid the highest price in defense our freedom, SSG Russell J. Verdugo of the 767th Ordnance Company died on the 23rd of May, 2005 in Baghdad, Iraq when an improvised explosive device detonated as he was responding to a call to dismantle the bomb. I would like to take this moment to salute his patriotism and his sacrifice.

Russell Verdugo deserves the highest gratitude of this body and the entire Nation. His sacrifice reminds us that freedom is so precious because of its incredibly high cost. My prayers go out to his mother, Susan Stanley, and his wife, Kari, who grieve the loss of a son and a husband and to all of the family, friends, and neighbors who are touched by his passing. I ask my colleagues to join me in remembering Sergeant Verdugo. The love of country and the dedication to service shared by many of it citizens is the great strength of our Nation, and we can all be very proud of patriots such as Russell Verdugo.

NOMINATION OF ALICE S. FISHER

Mr. GRASSLEY. Mr. President, I have notified Senate leadership of my intent to object to any unanimous consent request relating to the nomination of Alice S. Fisher to the position of Assistant Attorney General. This action has nothing to do with Ms. Fisher or her qualifications for the position to which she has been nominated. I have taken this action because there are a number of outstanding issues regarding the activities and operation of the Justice Department that should be resolved before considering this nomination. I am hopeful that, with the cooperation of the Justice Department, these issues can be resolved shortly.

ADDITIONAL STATEMENTS

HONORING THE RETIREMENT OF PAUL SINDERS

• Mr. LUGAR. Mr. President, I rise today to inform my colleagues of the retirement of a fixture of Clay city schools for the past 41 years and faithful friend, Mr. Paul Sinders.

Paul Sinders began his career as an educator in the fall of 1964 at the Clay City Elementary School. He taught fifth grade and moved to Clay City Jr./Sr. High School the following year. This marked the beginning of a remarkable career in which Paul served the Clay community school system in countless capacities. He taught science, math, and health to the junior high students before moving on to instruct health, physical education, and driver education classes in the high school. Additionally, he took time to coach the boys freshman and junior varsity basketball teams, and represented the school as athletic director and guidance director. In 1977, Paul took the reigns as principal of Clay City Jr./Sr. High School.

For the past 28 years Paul has worked extremely long hours overseeing the operations of Clay City High School. In 1992, he was selected as the Principal of the Year in the IASP District 8. In addition, he served as president of the Indiana Association of School Principals of District 8 in 1994–1995. Currently, Paul is on the board of directors for the Clay County Community Foundation and the Wabash Valley Youth for Christ. He is on the advisory board for the Clay City Center for Family Medicine and is a Support Committee Member for the Clay City Area Youth for Christ. He is a member of the Indiana Association of School Principals and Phi Delta Kappa.

Throughout his illustrious career, Paul has been blessed with the consistent support of his wife, Shari, and his children: Annette Ream, Chip Sinders, Natalie Wolfe, Bethany Stoelting, and Justin Sinders. I join his family, friends, and colleagues now in adding my blessing as he embarks on this new chapter in his life.

COMMENDING CHIEF JUDGE JOHN W. BISSELL, U.S. DISTRICT COURT, DISTRICT OF NEW JERSEY

• Mr. CORZINE. Mr. President, I express my sincere appreciation to Chief Judge John W. Bissell for his more than 20 years of outstanding service as a Federal District Court Judge in New Jersey. He is a truly distinguished jurist who represents the best of the New Jersey legal community. Judge Bissell has a depth of experience and a knowledge of both civil and criminal law that few can rival. He also has a keen legal mind and a compassionate understanding of people. Judge Bissell approaches each and every case before him with thoughtfulness and care. Indeed, he has excelled because of his deep appreciation that every case, no matter how small, matters greatly to all those who appear before him. And I believe that it is this understanding that has made Judge Bissell an outstanding Federal District Court Judge.

On behalf of the people of New Jersey, I express my sincere gratitude to Judge Bissell for his many years of distinguished service.•

MOCK ELECTION BUT REAL RESULTS

Mr. CRAPO. Mr. President, as we wind down from a Presidential election year and gear up for yet another cycle of congressional elections, it seems appropriate to take a moment and consider how important an educated electorate is to this country. It is the bedrock upon which our Founding Fathers built a fledgling government, creating a Constitution that functions with protean efficiency—inextricably bound to the necessity of knowledgeable and civic-minded citizens. I am proud to make public mention of the Moscow, ID, chapter of the League of Women Voters, which has won an award from the League of Women Voters of the United States for its efforts to educate future voters in north Idaho.

The League of Women Voters promotes a mock election program through its State and local chapters across the Nation. The Moscow chapter conducted what can only be described as a phenomenal month-long series of events and outreach that culminated in late October in the most successful ''mock election'' in Idaho and one of the top in the Nation. They were able to register and have almost 2900 first through twelfth-graders in the Moscow area vote. And I am relieved to add that I was reelected by these young people.

The chapter worked to bring together local, county, and State officials, teachers, parents, and volunteers to provide these students with a comprehensive and highly educational election experience. The students were given issues ballots, information about the candidates, Web site curriculum, sample ballots and had to abide by all

of the State voting laws. Students were taught their voting rights under the Help America Vote Act, and the overall efforts were so successful that the League of Women Voters of Idaho and the Idaho Secretary of State's office asked them to share their mock election handbook for instruction and use by other organizations in the State.

The Moscow chapter went above and beyond in its outreach efforts, bringing in students from an alternative high school and made voting accessible for handicapped students under Americans For Disabilities Act laws. In the successful aftermath, the effect has been felt throughout the community as private schools and home-schooling parents have expressed interest in becoming involved in the future. Even more noteworthy, although parents were not required to participate, more parents volunteered than in past years, and it could be surmised that this ''mock election'' contributed to the historically high voter turnout in that area of Idaho for the real elections in November.

Thomas Jefferson said: ''If a nation expects to be ignorant and free, in a state of civilization, it expects what never was and never will be.'' I congratulate the outstanding efforts of the League of Women Voters of Moscow on its remarkable effort to reinforce civic education and voter responsibility in Idaho's children.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 2:19 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2744. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 159. A concurrent resolution recognizing the sacrifices being made by the families of members of the Armed Forces and supporting the designation of a week as National Military Families Week.

The message also announced that pursuant to 22 U.S.C. 276h, and the order of the House of January 4, 2005, the Speaker appoints the following Members of the House of Representatives to the Mexico-United States Interparliamentary Group, in addition to Mr. KOLBE of Arizona, Chairman, and Ms. HARRIS of Florida, Vice Chairman, appointed on April 14, 2005: Mr. DREIER of California, Mr. BERMAN of California, Mr. BARTON of Texas, Mr. MANZULLO of Illinois, Mr. WELLER of Illinois, Mr. REYES of Texas, and Mr. MCCAUL of Texas.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2744. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; to the Committee on Appropriations.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 6. An act to ensure jobs for our future with secure, affordable, and reliable energy.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2513. A communication from the Senior Vice President and Chief Financial Officer, Potomac Electric Power Company, transmitting, pursuant to law, the Company's Balance Sheet as of December 31, 2004; to the Committee on Homeland Security and Governmental Affairs.

EC–2514. A communication from the Secretary of Energy, transmitting, pursuant to law, the Semiannual Report prepared by the Department's Office of Inspector General; to the Committee on Homeland Security and Governmental Affairs.

EC–2515. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–73, ''Closing of a Public Alley in Square 527, S.O. 03–1181, Act of 2005''; to the Committee on Homeland Security and Governmental Affairs.

EC–2516. A communication from the Chairman, United States International Trade Commission, transmitting, pursuant to law, the Semi-annual Report of the Commission's Inspector General; to the Committee on Homeland Security and Governmental Affairs.

EC–2517. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the semiannual report of the Office of Inspector General for the period of October 1, 2004 through March 31, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–2518. A communication from the Secretary of Labor, transmitting, pursuant to law, the Semiannual Report of the Department's Inspector General; to the Committee on Homeland Security and Governmental Affairs.

EC–2519. A communication from the Chairman, Railroad Retirement Board, transmitting, pursuant to law, the Semiannual Report of the Board's Office of Inspector General for the period from October 1, 2004 through March 31, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–2520. A communication from the Chairman, Board of Governors, Postal Service, transmitting, pursuant to law, the Semiannual Report of the Office of Inspector General for the period ending March 31, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–2521. A communication from the Acting Director, Office of Personnel Management, transmitting, pursuant to law, the Semiannual Report of the Inspector General and the Management Response for the period of October 1, 2004 to March 31, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–2522. A communication from the Secretary of Education, transmitting, pursuant to law, the Semiannual Report of the Department's Inspector General for the period ending March 31, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–2523. A communication from the Senior Procurement Executive, National Aeronautics and Space Administration, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Circular 2005–04; FAR Case 2003–008; Share-in-Savings Contracting'' (RIN9000–AJ74) received on June 3, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–2524. A communication from the Acting Director, Division for Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Prevailing Rate Systems; Redefinition of the San Francisco, CA, Nonappropriated Fund Wage Area'' (RIN3206–AK26) received on June 3, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–2525. A communication from the Acting Director, Division for Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Recruitment, Relocation, and Retention Incentives'' (RIN3206–AK81) received on June 3, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–2526. A communication from the Acting Director, Division for Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Excepted Service—Presidential Management Fellows Programs'' (RIN3206–AK27) received on June 3, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–2527. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–75, ''Closing of a Public Alley in Square 342, S.O. 03–5369, Act of 2005''; to the Committee on Homeland Security and Governmental Affairs.

EC–2528. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–76, ''Closing of a Portion of Davenport Street, N.W., abutting Squares 1672 and 1673, S.O. 03–2366, Act of 2005''; to the Committee on Homeland Security and Governmental Affairs.

EC–2529. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report

on D.C. Act 16–74, ''Rental Housing Act Extension Amendment Act of 2005''; to the Committee on Homeland Security and Governmental Affairs.

EC–2530. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–85, ''Local, Small, and Disadvantaged Business Enterprises Certification Temporary Amendment Act of 2005''; to the Committee on Homeland Security and Governmental Affairs.

EC–2531. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–84, ''Victims of Domestic Violence Fund Establishment Temporary Act of 2005''; to the Committee on Homeland Security and Governmental Affairs.

EC–2532. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–89, ''Rental Housing Conversion and Sale Amendment Act of 2005''; to the Committee on Homeland Security and Governmental Affairs.

EC–2533. A communication from the Secretary of Commerce, transmitting, the report of a draft bill entitled ''National Offshore Aquaculture Act of 2005'' received on June 7, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2534. A communication from the Director, U.S. Census Bureau, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Requirements for Reporting the Kimberley Process Certificate Number for Exports (Reexports) of Rough Diamonds'' (RIN0607–AA44) received on June 3, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2535. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Deep-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska'' (I.D. No. 050305C) received on June 3, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2536. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson Act Provisions; Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Groundfish Fishery Management Measures'' ((RIN0648–AT38) (I.D. No. 043605G)) received on June 3, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2537. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Monkfish Fishery; Amendment 2'' (RIN0648–AQ25) received on June 3, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2538. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Monkfish Fishery; Annual Adjustments'' (RIN0648–AS72) received on June 3, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2539. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Electronic Dealer Reporting Final Rule'' (RIN0648–AS87) received on June 3, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2540. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Annual Specifications and Management Measures; Inseason Adjustments; Pacific Halibut Fisheries'' (I.D. No. 042505C) received on June 3, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2541. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #1—Adjustment of the Commercial Fisheries from the Cape Falcon, Oregon, to the Oregon—California Border'' (I.D. No. 050405D) received on June 3, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2542. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Summer Flounder; 2005 Specifications; Commercial Summer Flounder Quota Transfer from North Carolina to Virginia'' (I.D. No. 030305D) received on June 3, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2543. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Summer Flounder; 2004 Specifications; Closure of the North Carolina Summer Flounder Commercial Fishery'' (I.D. No. 122204F) received on June 3, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2544. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Reallocating Pacific Cod from Vessels Using Jig Gear to Catcher Vessels Less than 60 Feet (18.3 Meters) Length Overall Using Pot or Hook-and-Line Gear in the Bering Sea and Aleutian Islands Management Area'' (I.D. No. 051105C) received on June 3, 2005; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. COCHRAN, from the Committee on Appropriations:

Special Report entitled ''Allocation to Subcommittees of Budget Totals'' (Rept. No. 109–77).

By Mr. CRAIG, from the Committee on Veterans' Affairs:

Special Report entitled ''Legislative and Oversight Activities During the 108th Congress by the Senate Committee on Veterans' Affairs'' (Rept. No. 109–79).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, without amendment:

S. 10. An original bill to enhance the energy security of the United States, and for other purposes (Rept. No. 109–121).

By Mr. INHOFE, from the Committee on Environment and Public Works, without amendment:

H.R. 483. A bill to designate a United States courthouse in Brownsville, Texas, as the ''Reynaldo G. Garza and Filemon B. Vela United States Courthouse''.

S. 1140. A bill to designate the State Route 1 Bridge in the State of Delaware as the ''Senator William V. Roth, Jr. Bridge''.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. SHELBY for the Committee on Banking, Housing, and Urban Affairs.

*Brian D. Montgomery, of Texas, to be an Assistant Secretary of Housing and Urban Development.

*Ben S. Bernanke, of New Jersey, to be a Member of the Council of Economic Advisers.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

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. DOMENICI:

S. 10. An original bill to enhance the energy security of the United States, and for other purposes; from the Committee on Energy and Natural Resources; placed on the calendar.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1206. A bill to designate the facility of the United States Postal Service located at 4960 West Washington Boulevard in Los Angeles, California, as the ''Ray Charles Post Office Building'' to the Committee on Homeland Security and Governmental Affairs.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1207. A bill to designate the facility of the United States Postal Service located at 30777 Rancho California Road in Temecula, California, as the ''Dalip Singh Saund Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

By Mr. ALEXANDER (for himself and Mr. WARNER):

S. 1208. A bill to provide for local control for the siting of windmills; to the Committee on Energy and Natural Resources.

By Mr. GREGG:

S. 1209. A bill to establish and strengthen postsecondary programs and courses in the subjects of traditional American history, free institutions, and Western civilization, available to students preparing to teach these subjects, and to other students; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HARKIN (for himself, Mr. LUGAR, Mr. OBAMA, and Mr. COLEMAN):

S. 1210. A bill to enhance the national security of the United States by providing for the research, development, demonstration, administrative support, and market mechanisms for widespread deployment and commercialization of biobased fuels and biobased

products, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BINGAMAN:

S. 1211. A bill to establish an Office of Foreign Science and Technology Assessment to enable the United States to effectively analyze trends in foreign science and technology, and for other purposes; to the Committee on Foreign Relations.

By Ms. STABENOW (for herself and Mr. LEVIN):

S. 1212. A bill to require the Commandant of the Coast Guard to convey the Coast Guard Cutter *Mackinaw*, upon its scheduled decommissioning, to the City and County of Cheboygan, Michigan, to use for purposes of a museum; to the Committee on Commerce, Science, and Transportation.

By Ms. STABENOW (for herself and Mr. SMITH):

S. 1213. A bill to amend the Internal Revenue Code of 1986 to allow a refundable credit against income tax for the purchase of a principal residence by a first-time homebuyer; to the Committee on Finance.

By Ms. SNOWE (for herself, Mr. REID, Mr. WARNER, Mr. LEAHY, Mr. CHAFEE, Mrs. MURRAY, Mr. KENNEDY, Mr. AKAKA, Mr. DURBIN, Ms. CANTWELL, and Mr. LAUTENBERG):

S. 1214. A bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GREGG (for himself, Ms. MIKULSKI, Mr. SARBANES, Mr. BIDEN, Mr. CORZINE, Ms. SNOWE, Mr. REED, Ms. CANTWELL, Mrs. MURRAY, Mr. COCHRAN, Mr. KERRY, Mr. INOUYE, and Mrs. FEINSTEIN):

S. 1215. A bill to authorize the acquisition of interests in underdeveloped coastal areas in order better to ensure their protection from development; to the Committee on Commerce, Science and Transportation.

By Mr. CORZINE:

S. 1216. A bill to require financial institutions and financial service providers to notify customers of the unauthorized use of personal financial information, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BINGAMAN (for himself, Mr. DEWINE, Mr. CORZINE, Mr. DURBIN, Mr. SCHUMER, Mr. JOHNSON, Ms. CANTWELL, Mr. LAUTENBERG, Ms. STABENOW, Mr. KENNEDY, Mrs. CLINTON, Mr. KERRY, Ms. MIKULSKI, Mr. AKAKA, Mr. SALAZAR, and Mr. SARBANES):

S. 1217. A bill to amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes; to the Committee on Finance.

By Mr. KENNEDY (for himself and Mr. DURBIN):

S. 1218. A bill to amend the Elementary and Secondary Education Act of 1965, the Higher Education Act of 1965, and the Internal Revenue Code of 1986 to improve recruitment, preparation, distribution, and retention of public elementary and secondary school teachers and principals, and for other purposes; to the Committee on Finance.

By Mr. BURNS:

S. 1219. A bill to authorize certain tribes in the State of Montana to enter into a lease or other temporary conveyance of water rights to meet the water needs of the Dry Prairie Rural Water Association, Inc; to the Committee on Energy and Natural Resources.

By Mr. DODD (for himself, Ms. COLLINS, and Mr. LEAHY):

S. 1220. A bill to assist law enforcement in their efforts to recover missing children and to strengthen the standards for State sex offender registration programs; to the Committee on the Judiciary.

By Mr. DAYTON (for himself and Mr. KERRY):

S. 1221. A bill to amend chapter 81 of title 5, United States Code, to create a presumption that a disability or death of a Federal employee in fire protection activities caused by any of certain diseases is the result of the performance of such employee's duty; to the Committee on Homeland Security and Governmental Affairs.

By Mr. STEVENS (for himself, Mr. INOUYE, and Ms. CANTWELL):

S. 1222. A bill to amend the Internal Revenue Code of 1986 to reinstate the Oil Spill Liability Trust Fund tax and to maintain a balance of $3 billion in the Oil Spill Liability Trust Fund; to the Committee on Finance.

By Mr. DODD:

S. 1223. A bill to amend the Public Health Service Act to improve the quality and efficiency of health care delivery through improvements in health care information technology, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER (for herself and Mr. LAUTENBERG):

S. 1224. A bill to protect the oceans, and for other purposes to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. SNOWE (for herself, Mr. COLEMAN, Mr. ISAKSON, Mr. VITTER, Ms. LANDRIEU, Mr. KERRY, Mr. BURNS, Mr. PRYOR, Mr. BAYH, and Mr. LIEBERMAN):

S. Res. 165. A resolution congratulating the Small Business Development Centers of the Small Business Administration on their 25 years of service to America's small business owners and entrepreneurs; to the Committee on Small Business and Entrepreneurship.

By Mr. LOTT:

S. Res. 166. A resolution to authorize the printing of a collection of the rules of the committees of the Senate; considered and agreed to.

By Mr. McCAIN (for himself and Mr. SUNUNU):

S. Res. 167. A resolution recognizing the importance of sun safety, and for other purposes; considered and agreed to.

By Mr. HAGEL (for himself and Mr. MARTINEZ):

S. Con. Res. 41. Concurrent resolution recognizing the sacrifices being made by the families of members of the Armed Forces and supporting the designation of a week as National Military Families Week; to the Committee on Armed Services.

ADDITIONAL COSPONSORS

S. 169

At the request of Mr. BINGAMAN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 169, a bill to amend the Intermodal Surface Transportation Efficiency Act of 1991 to identify a route that passes through the States of Texas, New Mexico, Oklahoma, and Kansas as a high priority corridor on the National Highway System.

S. 195

At the request of Mr. LIEBERMAN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 195, a bill to provide for full voting representation in Congress for the citizens of the District of Columbia, and for other purposes.

S. 211

At the request of Mrs. CLINTON, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2–1–1 telephone service for information and referral on human services, volunteer services, and for other purposes.

S. 241

At the request of Ms. SNOWE, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 241, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

S. 432

At the request of Mr. ALLEN, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 432, a bill to establish a digital and wireless network technology program, and for other purposes.

S. 438

At the request of Mr. ENSIGN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 438, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 441

At the request of Mr. SANTORUM, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 441, a bill to amend the Internal Revenue Code of 1986 to make permanent the classification of a motorsports entertainment complex.

S. 471

At the request of Mr. SPECTER, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 471, a bill to amend the Public Health Service Act to provide for human embryonic stem cell research.

S. 484

At the request of Mr. WARNER, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 484, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 537

At the request of Mr. BINGAMAN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 537, a bill to increase the number of well-trained mental health service professionals (including those based

in schools) providing clinical mental health care to children and adolescents, and for other purposes.

S. 614

At the request of Mr. SPECTER, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 614, a bill to amend title 38, United States Code, to permit medicare-eligible veterans to receive an out-patient medication benefit, to provide that certain veterans who receive such benefit are not otherwise eligible for medical care and services from the Department of Veterans Affairs, and for other purposes.

S. 633

At the request of Mr. JOHNSON, the name of the Senator from Maine (Ms. SNOWE) 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. 642

At the request of Mr. FRIST, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 642, a bill to support certain national youth organizations, including the Boy Scouts of America, and for other purposes.

S. 726

At the request of Mr. SANTORUM, his name was added as a cosponsor of S. 726, a bill to promote the conservation and production of natural gas.

S. 727

At the request of Mr. SANTORUM, his name was added as a cosponsor of S. 727, a bill to provide tax incentives to promote the conservation and production of natural gas.

S. 768

At the request of Mr. NELSON of Florida, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 768, a bill to provide for comprehensive identity theft prevention.

S. 809

At the request of Mr. LAUTENBERG, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 809, a bill to establish certain duties for pharmacies when pharmacists employed by the pharmacies refuse to fill valid prescriptions for drugs or devices on the basis of personal beliefs, and for other purposes.

S. 894

At the request of Mr. ENZI, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 894, a bill to allow travel between the United States and Cuba.

S. 962

At the request of Mr. SMITH, his name was added as a cosponsor of S. 962, a bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued to finance certain energy projects, and for other purposes.

S. 969

At the request of Mr. OBAMA, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 969, a bill to amend the Public Health Service Act with respect to preparation for an influenza pandemic, including an avian influenza pandemic, and for other purposes.

S. 1007

At the request of Mr. BINGAMAN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1007, a bill to prevent a severe reduction in the Federal medical assistance percentage determined for a State for fiscal year 2006.

S. 1039

At the request of Mr. HATCH, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1039, a bill to amend the Internal Revenue Code of 1986 to modify the treatment of depreciation of refinery property.

S. 1066

At the request of Mr. VOINOVICH, the names of the Senator from Missouri (Mr. BOND) and the Senator from Missouri (Mr. TALENT) were added as cosponsors of S. 1066, a bill to authorize the States (and subdivisions thereof), the District of Columbia, territories, and possessions of the United States to provide certain tax incentives to any person for economic development purposes.

S. 1076

At the request of Mr. TALENT, the name of the Senator from Virginia (Mr. ALLEN) 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.

At the request of Mrs. LINCOLN, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1076, supra.

S. 1077

At the request of Mrs. LINCOLN, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Missouri (Mr. TALENT) were added as cosponsors of S. 1077, a bill to amend the Internal Revenue Code of 1986 to provide a renewable liquid fuels tax credit, and for other purposes.

S. 1104

At the request of Mrs. CLINTON, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1104, a bill to amend titles XIX and XXI of the Social Security Act to provide States with the option to cover certain legal immigrants under the medicaid and State children's health insurance programs.

S. 1105

At the request of Mr. DODD, the name of the Senator from Massachusetts (Mr. KERRY) 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. 1112

At the request of Mr. BAUCUS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1112, a bill to make permanent the enhanced educational savings provisions for qualified tuition programs enacted as part of the Economic Growth and Tax Relief Reconciliation Act of 2001.

S. 1120

At the request of Mr. BINGAMAN, his name was added as a cosponsor of S. 1120, a bill to reduce hunger in the United States by half by 2010, and for other purposes.

S. 1160

At the request of Mr. SMITH, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1160, a bill to amend the Internal Revenue Code of 1986 to restore, increase, and make permanent the exclusion from gross income for amounts received under qualified group legal services plan.

S. 1177

At the request of Mr. AKAKA, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 1177, a bill to improve mental health services at all facilities of the Department of Veterans Affairs.

S. 1197

At the request of Mr. BIDEN, the names of the Senator from Idaho (Mr. CRAPO), the Senator from Washington (Ms. CANTWELL) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 1197, a bill to reauthorize the Violence Against Women Act of 1994.

S. RES. 39

At the request of Ms. LANDRIEU, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from Hawaii (Mr. INOUYE), the Senator from New York (Mrs. CLINTON), the Senator from Nebraska (Mr. NELSON), the Senator from Delaware (Mr. CARPER), the Senator from South Carolina (Mr. GRAHAM) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S. Res. 39, a resolution apologizing to the victims of lynching and the descendants of those victims for the failure of the Senate to enact anti-lynching legislation.

S. RES. 154

At the request of Mr. BIDEN, the names of the Senator from New York (Mrs. CLINTON), the Senator from Maryland (Ms. MIKULSKI), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Washington (Mrs. MURRAY), the Senator from Missouri (Mr. TALENT), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Iowa (Mr. GRASSLEY) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. Res. 154, a resolution designating October 21, 2005 as ''National Mammography Day''.

S. RES. 155

At the request of Mr. BIDEN, the names of the Senator from Oregon (Mr. WYDEN), the Senator from Maryland (Mr. SARBANES) and the Senator from

Maine (Ms. SNOWE) were added as cosponsors of S. Res. 155, a resolution designating the week of November 6 through November 12, 2005, as ''National Veterans Awareness Week'' to emphasize the need to develop educational programs regarding the contributions of veterans to the country.

S. RES. 158

At the request of Mr. GRAHAM, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. Res. 158, a resolution expressing the sense of the Senate that the President should designate the week beginning September 11, 2005, as ''National Historically Black Colleges and Universities Week''.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ALEXANDER (for himself and Mr. WARNER):

S. 1208. A bill to provide for local control for the siting of windmills; to the Committee on Energy and Natural Resources.

Mr. ALEXANDER. Mr. President, in order to protect our Nation's most scenic areas, Senator WARNER, the senior Senator from Virginia, and I are today introducing a revised version of the Environmentally Responsible Windpower Act of 2005. It will be introduced in the House of Representatives by Congressman John Duncan, a Republican, who is chairman of the Water Resources Subcommittee, and by Representative Bart Gordon, a Democrat, who is the ranking Democrat on the Science and Technology Committee.

Senator WARNER and I have listened to our colleagues, and we have made several changes in our initial bill to simplify it and to make it the kind of bill we hope all Senators will think makes good sense. What we have done is to simplify the local notification procedures and to more precisely protect scenic areas of the country without impacting the entire coastline. We have also removed a provision regarding military bases that was in our bill since that can be addressed in other legislation.

Our revised bill would do three things:

No. 1, to protect America's most scenic treasures, such as the Grand Canyon, the Statue of Liberty, and the Great Smoky Mountains National Park, and deny Federal subsidies for giant wind turbines within 20 miles of any national park, national military park, national seashore, national lakeshore, or 20 World Heritage sites in the United States.

No. 2, to protect our most pristine coastlines, it would deny Federal subsidies for wind turbines less than 20 miles offshore, which is the horizon of a national seashore, a national lakeshore, or a National Wildlife Refuge.

No. 3, to enhance local control, which most of us believe in, it would give communities a 180-day timeout period from when a wind project is filed with the Federal Energy Regulatory Commission in which to review local zoning laws related to the placement of these giant wind turbines.

This legislation is necessary because my research suggests that if the present policies are continued we will spend over the next 5 years nearly $4.5 billion to subsidize windmills. Because of those large subsidies, the number of the giant wind turbines in the United States is expected to grow from 6,700 today to 40,000, or even double that number in 20 years according to estimates by the Department of Energy and the Union of Concerned Scientists.

These wind turbines are not your grandmother's windmills, gently pumping water from the farm well. Here is just one example, which my colleagues from Alabama and South Carolina will especially appreciate. The University of Tennessee has the second largest football stadium in America, seating 107,000 people. The Senator from Alabama and I sat there while Auburn University beat the tar out of the University of Tennessee last year. I ask him to imagine that just one of these giant wind turbines would fit into that stadium. It would rise to more than twice the height of the highest skybox.

Its rotor blades would stretch almost from 10-yard line to 10-yard line. And on a clear night, its flashing red lights could be seen for 20 miles. Usually, these wind turbines are located in wind farms containing 20 or more, but the number can be more than 100. They work best, of course, where the wind blows best which, in our part of the country, is along scenic coastlines or scenic ridgetops.

Now, reasonable Members of this body may disagree about the cost, effectiveness, and appropriateness of such wind turbines. We can have that debate at another time. But at least we ought to be able to agree not to subsidize building them in places that damage our most scenic areas and coastlines.

Since wind turbines of this giant size are such a relatively new phenomenon, it fits our American traditions to give local communities time to stop and think about their most appropriate location.

In conclusion, Mr. President, let me emphasize that our legislation does not prohibit the building of a single wind turbine. It only denies a Federal taxpayer subsidy in highly scenic areas. And it ensures local governments have the time to review wind turbine proposals.

This revised version does not give local authorities any power they do not already have. It simply gives them a little time to act.

We intend to offer our legislation as an amendment when the full Senate debates the Energy bill next week, and we hope our colleagues will join us in this effort to ensure the Federal Government does not provide tax incentives that ruin the beauty of our most pristine and scenic areas around our country.

Egypt has its pyramids, Italy has its art, England has its history, and the United States has the great American outdoors. We should prize that and protect it where we can. One way to do that is to make sure when we look at the Statue of Liberty, when we look at the Great Smoky Mountains, when we look at the Grand Canyon, we do not have giant windmills, twice as tall as Neyland Stadium, with flashing red lights, in between us and that landscape.

Mr. President, I ask unanimous consent to have printed in the RECORD the text of the legislation which Senator WARNER and I are introducing, a copy of the attachment which includes the approximately 200 highly scenic sites that could be protected by the Environmentally Responsible Windpower Act of 2005, and two editorials from Tennessee newspapers—one from the Chattanooga Times Free Press and one from the Knoxville News Sentinel—which comment on the previous legislation we introduced.

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

S. 1208

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 ''Environmentally Responsible Windpower Act of 2005''.

SEC. 2. LOCAL CONTROL FOR SITING OF WINDMILLS.

(a) LOCAL NOTIFICATION.—Prior to the Federal Energy Regulatory Commission issuing to any wind turbine project its Exempt-Wholesale Generator Status, Market-Based Rate Authority, or Qualified Facility rate schedule, the wind project shall complete its Local Notification Process.

(b) LOCAL NOTIFICATION PROCESS.—

(1) In this section, the term ''Local Authorities'' means the governing body, and the senior executive of the body, at the lowest level of government that possesses authority under State law to carry out this Act.

(2) Applicant shall notify in writing the Local Authorities on the day of the filing of such Market-Based Rate application or Federal Energy Regulatory Commission Form number 556 (or a successor form) at the Federal Energy Regulatory Commission. Evidence of such notification shall be submitted to the Federal Energy Regulatory Commission.

(3) The Federal Energy Regulatory Commission shall notify in writing the Local Authorities within 10 days of the filing of such Market-Based Rate application or Federal Energy Regulatory Commission Form number 556 (or a successor form) at the Federal Energy Regulatory Commission.

(4) The Federal Energy Regulatory Commission shall not issue to the project Market-Based Rate Authority, Exempt Wholesaler Generator Status, or Qualified Facility rate schedule, until 180 days after the date on which the Federal Energy Regulatory Commission notifies the Local Authorities under paragraph (3).

(c) HIGHLY SCENIC AREA AND FEDERAL LAND.—

(1) A Highly Scenic Area is—

(A) any area listed as an official United Nations Educational, Scientific, and Cultural Organization World Heritage Site, as

supported by the Department of the Interior, the National Park Service, and the International Council on Monuments and Sites;

(B) land designated as a National Park;

(C) a National Lakeshore;

(D) a National Seashore;

(E) a National Wildlife Refuge that is adjacent to an ocean; or

(F) a National Military Park.

(2) A Qualified Wind Project is any wind-turbine project located—

(A)(i) in a Highly Scenic Area; or

(ii) within 20 miles of the boundaries of an area described in subparagraph (A), (B), (C), (D), or (F) of paragraph (1); or

(B) within 20 miles off the coast of a National Wildlife Refuge that is adjacent to an ocean.

(3) Prior to the Federal Energy Regulatory Commission issuing to a Qualified Wind Project its Exempt-Wholesale Generator Status, Market-Based Rate Authority, or Qualified Facility rate schedule, an environmental impact statement shall be conducted and completed by the lead agency in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). If no lead agency is designated, the lead agency shall be the Department of the Interior.

(4) The environmental impact statement determination shall be issued within 12 months of the date of application.

(5) Such environmental impact statement review shall include a cumulative impacts analysis addressing visual impacts and avian mortality analysis of a Qualified Wind Project.

(6) A Qualified Wind Project shall not be eligible for any Federal tax subsidy.

(d) EFFECTIVE DATE.—

(1) This section shall expire 10 years after the date of enactment of this Act.

(2) Nothing in this section shall prevent or discourage environmental review of any wind projects or any Qualified Wind Project on a State or local level.

SCENIC SITES PROTECTED BY THE ENVIRONMENTALLY RESPONSIBLE WINDPOWER ACT OF 2005

ALABAMA

National Parks: Little River Canyon National Preserve.

National Military Parks: Horseshoe Bend.

ALASKA

National Parks: Denali National Park & Preserve, Gates of the Arctic National Park & Preserve, Glacier Bay National Park & Preserve, Katmai National Park & Preserve, Kenai Fjords National Park, Kobuk Valley National Park, Lake Clark National Park & Preserve, Wrangell-St, Elias National Park & Preserve.

World Heritage Sites: Glacier Bay National Park & Preserve, Wrangell-St. Elias National Park & Preserve.

Coastal National Wildlife Refuges: Izembek National Wildlife Refuge, Alaska Peninsula National Wildlife Refuge, Becharof National Wildlife Refuge, Kodiak National Wildlife Refuge, Selawik National Wildlife Refuge.

ARIZONA

National Parks: Grand Canyon National Park, Petrified Forest National Park.

World Heritage Sites: Grand Canyon National Park.

ARKANSAS

National Parks: Hot Springs National Park.

National Military Parks: Pea Ridge.

CALIFORNIA

National Parks: Channel Islands National Park, Death Valley National Park, Joshua Tree National Park, Lassen Volcanic National Park, Redwood National and State Parks, Sequoia & Kings Canyon National Parks, Yosemite National Park.

World Heritage Sites: Redwood National Park, Yosemite National Park.

National Seashores: Point Reyes National Seashore.

National Wildlife Refuqes: Castle Rock National Wildlife Refuge, Ellicott Slough National Wildlife Refuge, Farallon National Wildlife Refuge, Guadalupe-Nipomo Dunes National Wildlife Refuge, Humboldt Bay National Wildlife Refuge, Marin Islands National Wildlife Refuge, Salinas River National Wildlife Refuge, San Diego Bay National Wildlife Refuge, San Pablo Bay National Wildlife Refuge, Seal Beach National Wildlife Refuge, Tijuana Slough National Wildlife Refuge.

COLORADO

National Parks: Black Canyon of the Gunnison National Park, Great Sand Dunes National Park & Preserve, Mesa Verde National Park, Rocky Mountain National Park.

World Heritage Sites: Mesa Verde.

CONNECTICUT

Coastal National Wildlife Refuges: Stewart B. McKinney National Wildlife Refuge.

DELAWARE

Coastal National Wildlife Refuges: Bombay Hook National Wildlife Refuge, Prime Hook National Wildlife Refuge.

FLORIDA

National Parks: Biscayne National Park, Dry Tortugas National Park, Everglades National Park.

World Heritage Sites: Everglades National Park.

National Seashores: Canaveral National Seashore, Gulf Islands National Seashore.

Coastal National Wildlife Refuge Sites: Archie Carr National Wildlife Refuge, Arthur R. Marshall Loxahatchee National Wildlife Refuge, Cedar Keys National Wildlife Refuge, Chassahowitzka National Wildlife Refuge, Crocodile Lake National Wildlife Refuge, Crystal River National Wildlife Refuge, Egmont Key National Wildlife Refuge, Great White Heron National Wildlife Refuge, Hobe Sound National Wildlife Refuge, Island Bay National Wildlife Refuge, J. N. Ding Darling National Wildlife Refuge, Key West National Wildlife Refuge, Lower Suwannee National Wildlife Refuge, Matlacha Pass National Wildlife Refuge, Merritt Island National Wildlife Refuge, National Key Deer Refuge National Wildlife Refuge, Passage Key National Wildlife Refuge, Pelican Island National Wildlife Refuge, Pine Island National Wildlife Refuge, Pinellas National Wildlife Refuge, St. Johns National Wildlife Refuge, St. Marks National Wildlife Refuge, St. Vincent National Wildlife Refuge, Ten Thousand Islands National Wildlife Refuge.

GEORGIA

National Seashores: Cumberland Island National Seashore.

Coastal National Wildlife Refuges: Blackbeard Island National Wildlife Refuge, Harris Neck National Wildlife Refuge, Wassaw National Wildlife Refuge, Wolf Island National Wildlife Refuge.

HAWAII

National Parks: Haleakala National Park, Hawaii Volcanoes National Park.

World Heritage Sites: Hawaii Volcanoes National Park.

Coastal National Wildlife Refuges: Oahu Forest National Wildlife Refuge, Hanalei National Wildlife Refuge, Kilauea National Wildlife Refuge, Hakalau National Wildlife Refuge, Kealia Pond National Wildlife Refuge, Pearl Harbor National Wildlife Refuge, Kakahaia National Wildlife Refuge.

IDAHO

National Parks: Yellowstone National Park.

ILLINOIS

World Heritage Sites: Cahokia Mounds State Historic Site.

INDIANA

National Seashores: Indiana Dunes National Lakeshore.

KENTUCKY

National Parks: Mammoth Cave National Park.

World Heritage Sites: Mammoth Cave National Park.

LOUISIANA

Coastal National Heritage Sites: Bayou Teche National Wildlife Refuge, Big Branch National Wildlife Refuge, Breton National Wildlife Refuge, Delta National Wildlife Refuge, Sabine National Wildlife Refuge, Shell Keys National Wildlife Refuge.

MAINE

National Parks: Acadia National Park.

Coastal National Wildlife Refuges: Aroostook National Wildlife Refuge, Cross Island National Wildlife Refuge, Franklin Island National Wildlife Refuge, Moosehorn National Wildlife Refuge, Petit Manan National Wildlife Refuge, Pond Island National Wildlife Refuge, Rachel Carson National Wildlife Refuge, Seal Island National Wildlife Refuge.

MARYLAND

National Seashores: Assateague Island National Seashore.

MASSACHUSETTS

National Seashores: Cape Cod National Seashore.

Coastal National Wildlife Refuges: Mashpee National Wildlife Refuge, Massaspit National Wildlife Refuge, Monormoy National Wildlife Refuge, Nantucket National Wildlife Refuge, Normans Land Island National Wildlife Refuge, Parker River National Wildlife Refuge, Thacher Island National Wildlife Refuge.

MICHIGAN

National Parks: Isle Royale National Park.

National Lakeshores: Pictured Rocks National Lakeshore, Sleeping Bear Dunes National Lakeshore.

MINNESOTA

National Parks: Voyageurs National Park.

MISSISSIPPI

National Seashores: Gulf Islands National Seashore.

National Military Parks: Vicksburg.

Coastal National Wildlife Refuges: Grand Bay National Wildlife Refuge, Mississippi Sandhill Crane National Wildlife Refuge

MONTANA

National Parks: Yellowstone National Park, Glacier National Park.

World Heritage Sites: Yellowstone National Park.

NEVADA

National Parks: Death Valley National Park, Great Basin National Park.

NEW HAMPSHIRE

Coastal National Wildlife Refuges: Great Bay National Wildlife Refuge.

NEW JERSEY

Coastal National Wildlife Refuges: Cape May National Wildlife Refuge, Edwin B. Forsythe National Wildlife Refuge.

NEW MEXICO

National Parks: Carlsbad Caverns National Park.

World Heritage Sites: Chaco Culture National Historical Park, Pueblo de Taos, Carlsbad Caverns National Park.

NEW YORK

World Heritage Sites: Statue of Liberty.

National Seashores: Fire Island National Seashore.

NORTH CAROLINA

National Parks: Great Smoky Mountains National Park.

World Heritage Sites: Great Smoky Mountains National Park.

National Seashores: Cape Hatteras National Seashore, Cape Lookout National Seashore.

National Military Parks: Guilford Courthouse

Coastal National Wildlife Refuges: Alligator River National Wildlife Refuge, Cedar Island National Wildlife Refuge, Currituck National Wildlife Refuge, Mackay Island National Wildlife Refuge, Mattamuskeet National Wildlife Refuge, Pea Island National Wildlife Refuge, Pocosin Lakes National Wildlife Refuge, Swanquarter National Wildlife Refuge.

NORTH DAKOTA

National Parks: Theodore Roosevelt National Park.

OHIO

National Parks: Cuyahoga Valley National Parks.

OREGON

National Parks: Crater Lake National Park.

Coastal National Wildlife Refuges: Bandon Marsh National Wildlife Refuge, Cape Meares National Wildlife Refuge, Nestucca Bay National Wildlife Refuge, Oregon Islands National Wildlife Refuge, Siletz Bay National Wildlife Refuge, Three Arch Rocks National Wildlife Refuge.

PENNSYLVANIA

World Heritage Sites: Independence Hall.

National Military Parks: Gettysburg.

RHODE ISLAND

Coastal National Wildlife Refuges: Block Island National Wildlife Refuge, John H. Chafee National Wildlife Refuge, Ninigret National Wildlife Refuge, Sachuest Point National Wildlife Refuge, Trustom Pond National Wildlife Refuge.

SOUTH CAROLINA

National Parks: Congaree National Park.

National Military Parks: Kings Mountain.

Coastal National Wildlife Refuges: ACE Basin National Wildlife Refuge, Cape Romain National Wildlife Refuge, Pickney Island National Wildlife Refuge, Savannah National Wildlife Refuge, Tybee National Wildlife Refuge, Waccamaw National Wildlife Refuge.

SOUTH DAKOTA

National Parks: Badlands National Park, Wind Cave National Park.

TENNESSEE

National Parks: Great Smoky Mountains National Park.

World Heritage Sites: Great Smoky Mountains National Park.

National Military Parks: Chickamauga and Chattanooga, Shiloh.

TEXAS

National Parks: Big Bend National Park, Guadalupe Mountains National Park.

National Seashores: Padre Island National Seashore.

Coastal National Wildlife Refuges: Anahuac National Wildlife Refuge, Aransas National Wildlife Refuge, Big Boggy National Wildlife Refuge, Brazoria National Wildlife Refuge, Laguna Atascossa National Wildlife Refuge, McFaddin National Wildlife Refuge, San Bernard National Wildlife Refuge, Texas Point National Wildlife Refuge, Trinity River National Wildlife Refuge

UTAH

National Parks: Arches National Park, Bryce Canyon National Park, Canyonlands National Park, Capitol Reef National Park, Zion National Park.

VIRGINIA

National Parks: Shenandoah National Park.

World Heritage Sites: Monticello, University of Virginia Historic District

National Seashores: Assateague Island National Seashore.

National Military Parks: Fredericksburg and Spotsylvania Courthouse Battlefields.

Coastal National Wildlife Refuges: Back Bay National Wildlife Refuge, Chincoteague National Wildlife Refuge, Eastern Shore of Virginia National Wildlife Refuge, Featherstone National Wildlife Refuge, Fisherman Island National Wildlife Refuge, James River National Wildlife Refuge, Mason Neck National Wildlife Refuge, Nansemond National Wildlife Refuge, Occoquah Bay National Wildlife Refuge, Plum Tree Island National Wildlife Refuge, Wallops Island National Wildlife Refuge

WASHINGTON

National Parks: Mount Rainier National Park, North Cascades National Park, Olympic National Park.

World Heritage Sites: Olympic National Park.

Coastal National Wildlife Refuges: Copalis National Wildlife Refuge, Flattery National Wildlife Refuge, Grays Harbor National Wildlife Refuge, Quillayute Needles National Wildlife Refuge, Willapa National Wildlife Refuge.

WISCONSIN

National Lakeshores: Apostle Islands National Lakeshore.

WYOMING

National Parks: Grand Teton National Park, Yellowstone National Park.

World Heritage Sites: Yellowstone National Park.

[From the Chattanooga Times Free Press, May 22, 2005]

BEWARE OF WINDMILLS

It was reported in the classical fictional literature of Miguel de Cervantes, and in the delightful derivative musical play ''Man of La Mancha,'' that Don Quixote tilted at windmills, thinking them to be adversaries.

But in the real-life United States today, some people are promoting the erection of many thousands of windmills as a means of generating electric power, with too few people being aware that these modern windmills would be very real, not imaginary, adversaries.

Sen. Lamar Alexander, R-Tenn., has introduced a bill in Congress designed to avoid having an army of huge windmills slip up on us without sufficient warning.

The senator says an effort is being made to require electric companies to produce 10 percent of their power from ''renewable'' sources. That means wind, hydro, solar, geothermal and biomass power. Sounds good on the surface, doesn't it? The trouble is that there are few opportunities for substantial power generation by these means except by wind. What would that mean?

''The idea of windmills,'' said Sen. Alexander, conjures up pleasant images—of Holland and tulips, of rural America . . . My grandparents had such a windmill at their well pump . . . But the windmills we are talking about today are not your grandmother's windmills.

''Each one is typically 100 yards tall, two stories taller than the Statue of Liberty, taller than a football field is long.

''These windmills are wider than a 747 jumbo jet.

''Their rotor blades turn at 100 miles per hour.

''These towers and their flashing red lights can be seen from more than 25 miles away.

''Their noise can be heard from up to a half-mile away. It is a thumping and swishing sound. It has been described by residents that are unhappy with the noise as sounding like a brick wrapped in a towel tumbling in a clothes drier on a perpetual basis.

''These windmills produce very little power since they only operate when the wind blows enough or doesn't blow too much, so they are usually placed in large wind farms covering huge amounts of land.

''As an example, if the Congress ordered electric companies to build 10 percent of their power from renewable energy—which as we have said, has to be mostly wind—and if we renew the current subsidy each year, by the year 2025, my state of Tennessee would have at least 1,700 windmills, which would cover land almost equal to two times the size of the city of Knoxville.''

Do these revelations by Sen. Alexander, accompanied by the prospect that $3.7 billion of your taxes might be required for subsidies over five years, cause you to want to have 100,000 of these huge, red lighted, noisy, thumping windmills erected throughout the United States, with 1,700 of them in Tennessee—perhaps in your neighborhood?

Talk about ''pollution'' of area, sound and sight!

Surely, non-polluting nuclear power and other energy sources would be better. The windmill subsidies could be used better to promote cleaner, more efficient and cheaper coal, gas and oil technology.

Sen. Alexander said the purpose of his legislation, in which Sen. John Warner, R-Va., has joined, is to be sure that ''local authorities have a chance to consider the impact of such massive new structures before dozens or hundreds of them begin to be built in their communities.''

For that fair warning, we should give thanks. If you have seen windmill farms in California, Texas or Hawaii, you will surely understand why the warning is appropriate.

Don Quixote thought he had problems with windmills, He hadn't seen the kind Sen. Alexander is talking about.

[KnoxNews, June 9, 2005]

WINDMILLS NEED COMMONSENSE APPROACH

U.S. Sen. Lamar Alexander has unleashed a storm of controversy among environmentalists over windmills, but we think he is using a commonsense approach.

Alexander has introduced legislation that would restrict tax credits for new windmills, and he has asked TVA to place a moratorium on new windmills.

Alexander's bill would give local governments veto power over wind farm projects and require environmental impact statements for windmill construction in offshore areas and within 20 miles of certain scenic areas, such as the Great Smoky Mountains National Park, and military bases.

The provision on eliminating tax credits for projects in those restricted areas, however, is what has drawn criticism from environmentalists and windmill manufacturers.

Stephen Smith of the Southern Alliance for Clean Energy said the legislation is ''the most direct assault on wind power we've ever seen by a United States senator.''

Jaime Steve, a lobbyist for the American Wind Energy Association, said wind energy could bring up to 4,500 new jobs and $4.2 billion in investment to the state in the next five or six years.

Alexander released a statement that said his bill would protect scenic areas and give local citizens more control. ''It keeps those 100-yard-tall, monstrous structures away from Signal Mountain, Lookout Mountain,

Roan Mountain, the Tennessee River Gorge, the foothills of the Smokies and other highly scenic areas,'' Alexander said.

''As for jobs,'' he continued, ''every Tennessee job is important, but I fear that hundreds of these giant windmills across Tennessee's ridges could destroy our tourism industry, which could cost us tens of thousands of jobs.''

In remarks on the Senate floor, Alexander said serious questions have been raised about how much relying on wind power will raise the cost of electricity. ''My studies suggest that, at a time when America needs large amounts of low-cost, reliable power, wind produces puny amounts of high-cost unreliable power,'' he said. ''We need lower prices; wind power raises prices.''

About his request to TVA, Alexander said the moratorium should be in effect ''until the new TVA board, Congress and local officials can evaluate the impact on these massive structures on our electric rates, our view of the mountains and our tourism industry.''

TVA Directors Bill Baxter and Skila Harris responded that TVA has no plans to build more wind turbines in the next two years and beyond.

We believe Alexander has raised some serious questions about the effectiveness and efficiency of wind power. While we understand the importance of focusing on new forms of energy to reduce reliance on oil, we agree with Alexander's premise that we must go about it wisely.

''I hope we decide that we need a real national energy policy instead of a national windmill policy,'' Alexander said.

We think that's well said.

By Mr. GREGG:

S. 1209. A bill to establish and strengthen postsecondary programs and courses in the subjects of traditional American history, free institutions, and Western civilization, available to students preparing to teach these subjects, and to other students; to the Committee on Health, Education, Labor, and Pensions.

Mr. GREGG. Mr. President, today I am proud to introduce the Higher Education for Freedom Act. This bill will establish a competitive grant program making funds available to institutions of higher education, centers within such institutions, and associated nonprofit foundations to promote both graduate and undergraduate programs focused on the teaching and study of traditional American history and government, and the history and achievements of Western Civilization. The program will help ensure that more postsecondary students have the opportunity to participate in programs focused on these critical subjects and that prospective teachers of history and government have access to a solid foundation of content knowledge.

Today, more than ever, it is important to preserve and defend our common heritage of freedom and civilization, and to ensure that future generations of Americans understand the importance of traditional American history and the principles of free government upon which this Nation was founded. This knowledge is not only essential to the full participation of our citizenry in America's civic life, but also to the continued success of the American experiment in self-government, which binds together a diverse people into a single Nation with common purposes.

However, college students' lack of historical literacy is quite startling, and too few of our colleges and universities are focused on the task of imparting this fundamental knowledge to the next generation. A survey of students at America's top colleges found that seniors could not identify Valley Forge, words from the Gettysburg Address, or even the basic tenets of the U.S. Constitution. Given high school-level American history questions, 81 percent of the college seniors would have received a D or F, the report found. One college professor informed me that her students did not know which side Lee was on during the Civil War, or whether the Russians were allies or enemies in World War II. A student of hers asked why anyone should care what the Founding Fathers wrote.

As unfortunate as these findings are, they are perhaps not surprising. A survey conducted several years ago found that not one of America's top fifty colleges and universities required its students to take a course in American history. More recently, another report documented the extent to which our top postsecondary institutions have abandoned the traditional core requirements that once gave students a systemic grasp of our nation's ideals, institutions, and origins. Indeed, only about a dozen undergraduate programs at major American colleges and universities have a central focus on American constitutional history and principles.

We are doing our students a disservice if we allow them to graduate from an institution of higher education without a solid understanding of and appreciation for our democratic heritage. We cannot hope to preserve our democracy without taking action to remedy our students' historical illiteracy. As Thomas Jefferson once wrote, ''If a nation expects to be ignorant—and free—in a state of civilization, it expects what never was and never will be.'' I believe the time has come for Congress to do something to promote the teaching and study of traditional American history at the postsecondary level, and I urge my colleagues to support this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1209

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 ''Higher Education for Freedom Act''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Given the increased threat to American ideals in the trying times in which we live, it is important to preserve and defend our common heritage of freedom and civilization and to ensure that future generations of Americans understand the importance of traditional American history and the principles of free government on which this Nation was founded in order to provide the basic knowledge that is essential to full and informed participation in civic life and to the larger vibrancy of the American experiment in self-government, binding together a diverse people into a single Nation with a common purpose.

(2) However, despite its importance, most of the Nation's colleges and universities no longer require United States history or systematic study of Western civilization and free institutions as a prerequisite to graduation.

(3) In addition, too many of our Nation's elementary school and secondary school history teachers lack the training necessary to effectively teach these subjects, due largely to the inadequacy of their teacher preparation.

(4) Distinguished historians and intellectuals fear that without a common civic memory and a common understanding of the remarkable individuals, events, and ideals that have shaped our Nation and its free institutions, the people in the United States risk losing much of what it means to be an American, as well as the ability to fulfill the fundamental responsibilities of citizens in a democracy.

(b) PURPOSES.—The purposes of this Act are to promote and sustain postsecondary academic centers, institutes, and programs that offer undergraduate and graduate courses, support research, sponsor lectures, seminars, and conferences, and develop teaching materials, for the purpose of developing and imparting a knowledge of traditional American history, the American Founding, and the history and nature of, and threats to, free institutions, or of the nature, history, and achievements of Western civilization, particularly for—

(1) undergraduate students who are enrolled in teacher education programs, who may consider becoming school teachers, or who wish to enhance their civic competence;

(2) elementary school, middle school, and secondary school teachers in need of additional training in order to effectively teach in these subject areas; and

(3) graduate students and postsecondary faculty who wish to teach about these subject areas with greater knowledge and effectiveness.

SEC. 3. DEFINITIONS.

In this Act:

(1) ELIGIBLE INSTITUTION.—The term ''eligible institution'' means—

(A) an institution of higher education;

(B) a specific program within an institution of higher education; and

(C) a non-profit history or academic organization associated with higher education whose mission is consistent with the purposes of this Act.

(2) FREE INSTITUTION.—The term ''free institution'' means an institution that emerged out of Western civilization, such as democracy, constitutional government, individual rights, market economics, religious freedom and tolerance, and freedom of thought and inquiry.

(3) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term under section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(5) TRADITIONAL AMERICAN HISTORY.—The term ''traditional American history'' means—

(A) the significant constitutional, political, intellectual, economic, and foreign policy trends and issues that have shaped the course of American history; and

(B) the key episodes, turning points, and leading figures involved in the constitutional, political, intellectual, diplomatic, and economic history of the United States.

SEC. 4. GRANTS TO ELIGIBLE INSTITUTIONS.

(a) IN GENERAL.—From amounts appropriated to carry out this Act, the Secretary shall award grants, on a competitive basis, to eligible institutions, which grants shall be used for—

(1) history teacher preparation initiatives, that—

(A) stress content mastery in traditional American history and the principles on which the American political system is based, including the history and philosophy of free institutions, and the study of Western civilization; and

(B) provide for grantees to carry out research, planning, and coordination activities devoted to the purposes of this Act; and

(2) strengthening postsecondary programs in fields related to the American founding, free institutions, and Western civilization, particularly through—

(A) the design and implementation of courses, lecture series, and symposia, the development and publication of instructional materials, and the development of new, and supporting of existing, academic centers;

(B) research supporting the development of relevant course materials;

(C) the support of faculty teaching in undergraduate and graduate programs; and

(D) the support of graduate and postgraduate fellowships and courses for scholars related to such fields.

(b) SELECTION CRITERIA.—In selecting eligible institutions for grants under this section for any fiscal year, the Secretary shall establish criteria by regulation, which shall, at a minimum, consider the education value and relevance of the institution's programming to carrying out the purposes of this Act and the expertise of key personnel in the area of traditional American history and the principles on which the American political system is based, including the political and intellectual history and philosophy of free institutions, the American Founding, and other key events that have contributed to American freedom, and the study of Western civilization.

(c) GRANT APPLICATION.—An eligible institution that desires to receive a grant under this Act shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may prescribe by regulation.

(d) GRANT REVIEW.—The Secretary shall establish procedures for reviewing and evaluating grants made under this Act.

(e) GRANT AWARDS.—

(1) MAXIMUM AND MINIMUM GRANTS.—The Secretary shall award each grant under this Act in an amount that is not less than $400,000 and not more than $6,000,000.

(2) EXCEPTION.—A subgrant made by an eligible institution under this Act to another eligible institution shall not be subject to the minimum amount specified in paragraph (1).

(f) MULTIPLE AWARDS.—For the purposes of this Act, the Secretary may award more than 1 grant to an eligible institution.

(g) SUBGRANTS.—An eligible institution may use grant funds provided under this Act to award subgrants to other eligible institutions at the discretion of, and subject to the oversight of, the Secretary.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

For the purpose of carrying out this Act, there are authorized to be appropriated—

(1) $140,000,000 for fiscal year 2006; and

(2) such sums as may be necessary for each of the succeeding 5 fiscal years.

By Mr. HARKIN (for himself, Mr. LUGAR, Mr. OBAMA, and Mr. COLEMAN):

S. 1210. A bill to enhance the national security of the United States by providing for the research, development, demonstration, administrative support, and market mechanisms for widespread deployment and commercialization of biobased fuels and biobased products, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. HARKIN. Mr. President, over the past 100 years, the economy of the United States has become inextricably tied to the supply of petroleum. In the early part of the 20th century, America's abundant sources of petroleum helped drive tremendous improvements in quality of life, offering greater mobility through gasoline-powered transportation, and a whole host of new and innovative products made from plastics and other petroleum-based chemicals.

But as the 20th century wore on, the costs of a petroleum-based economy grew increasingly apparent: pollution of air and water became a growing risk to our health and environment, and a growing dependence on foreign imports became an increasing risk to our economic and national security. Today, nearly two-thirds of the oil we use comes from overseas, much of it from hostile and unstable regimes.

Instability in the oil-producing regions of the world, the growing threat of global warming, and record-high prices for gasoline at the pump all call for a new kind of economy for the 21st century: one based on a resource that is not only abundant, but clean, renewable and home-grown.

Today, biofuels like ethanol and biodiesel are making great inroads in reducing our foreign oil dependence. The biofuels industry will provide nearly 4 billion gallons of clean, domestically-produced fuel alternatives to gasoline and diesel this year. We need to ensure continued growth of renewable fuels, first by supporting a robust Renewable Fuels Standard of at least 8 billion gallons a year by 2012, and then by supporting additional measures to grow the ''bioeconomy.''

That is why I am very proud today to be joined by my colleagues, Senator LUGAR, Senator OBAMA, and Senator COLEMAN, in introducing the National Security and Bioenergy Investment Act of 2005. This important bipartisan legislation provides the research, development, demonstration, and market mechanisms necessary to move this country from an economy based largely on foreign oil, to one increasingly fueled with clean, renewable, domestically-grown biomass. It is an important compliment to a robust RFS, and a vital element of our energy future.

According to the National Academies of Science, this country generates nearly 300 million tons of biomass each year—everything from corn stalks and wheat straw to forest trimmings and even segregated municipal waste. This biomass is currently sent to landfills or left in the fields after harvest in quantities greater than that needed to provide natural cover and nutrient replacement.

The Natural Resources Defense Council estimates that by 2025, an additional 200 million tons of biomass could be generated each year from dedicated biomass crops such as native switchgrass, hybrid poplar and other woody crops, grown throughout the country. These crops require little or no fertilizer or chemical treatment, while helping to enhance soil quality and reduce runoff.

Cellulose from biomass can be converted to ethanol, to provide a clean transportation fuel with potentially near-zero net carbon dioxide and sulfur emissions, and substantially reduced carbon monoxide, particulate and toxic emissions compared to petroleum-based fuel. The Natural Resources Defense Council estimates that by 2050 biomass could supply 50 percent of the nation's transportation fuel, dramatically reducing our dependence on foreign oil.

Other products of the biomass refining process, such as biochemicals and bioplastics, can also complement or replace less environmentally-friendly petroleum-based equivalents. For example, if all of the plastic used in the United States were made from biomass instead of petroleum, the Nation's oil consumption would decrease by 90 to 145 million barrels a year. Biobased plastics can also be composted and converted back to soil instead of being thrown in a landfill.

Biobased chemicals, lubricants and metal-working fluids are all available in the marketplace today, and offer safe, non-toxic alternatives to their petroleum-based counterparts. The National Academies of Science found that biomass could meet all of the Nation's needs for organic chemicals, replacing 700 million barrels of petroleum a year.

But perhaps one of the greatest benefits of biobased fuels and products is to our rural economy. A mature biomass industry would create more than 1 million jobs and generate $5 billion annually in revenue for farmers. This represents a tremendous opportunity to grow and diversify sources of rural income, while reducing our dependence on foreign oil, bolstering national security and protecting the environment.

However, several obstacles still remain. Current Federal programs to develop biomass crops, establish supply chains, and reduce the cost of biofuels production are under-funded and lack appropriate targeting. Potential biomass refinery developers remain reluctant to invest in construction of ''next generation'' plants due to the high level of financial risk. And, according to a recent report from the Government Accountability Office, biobased

purchase requirements and other bioeconomy measures at the U.S. Department of Agriculture have not been given the necessary priority for full implementation.

A wide range of groups, including the Energy Future Coalition, the National Commission on Energy Policy, the Governors' Ethanol Coalition, and the Natural Resources Defense Council, is calling on Congress to invest in the bioeconomy as the best direction for the country's energy future.

The time to act is now.

This legislation implements several critical measures to help ensure the widespread deployment and commercialization of biobased fuels and products over the next 10 years.

The bill substantially updates and improves the Biomass Research and Development Act by refining its objectives, providing greater focus on overcoming remaining technical barriers, and increasing funding. It authorizes $1 billion in research and development over five years to help today's successful biorefineries become the biorefineries of tomorrow, while developing advanced biomass crops, crop production methods, harvesting and transport technology to deliver abundant biomass to the refinery door.

It creates a reverse auction of production incentives to deliver the first billion gallons of cellulosic biofuels at the lowest cost to taxpayers. Each year, cellulosic biofuels refiners will bid for assistance on a per gallon basis. Refiners who request the lowest level of assistance will earn production contracts. As the volume of biofuels production grows, competition will increase, and per gallon incentive rates will decrease. After the first billion gallons of annual production, cellulosic ethanol is expected to be competitive with gasoline without government assistance.

It establishes a new Assistant Secretary position for Energy and Bioproduct Development at USDA to provide the necessary priority and resources for bioenergy and bioproduct programs. It expands the Federal Government biobased product procurement program of the 2002 farm bill to include government contractors. It also extends the program to the U.S. Capitol Complex, and establishes the Capitol as a showcase for biobased products.

It creates grant programs to help small biobased businesses with marketing and certification of biobased products, and funds bioeconomy development associations and Land Grant institutions to support the growth of regional bioeconomies.

The legislation calls on Congress to create tax incentives to encourage investment in production of biobased fuels and products, and it provides for education and outreach to promote producer investment in processing facilities and to heighten consumer awareness of biobased fuels and products.

Together, these measures will send a strong signal to innovators, investors and biobased businesses that Congress is committed to advancing the bioeconomy. With full funding, this bill will deliver the technological advances needed to help make biobased fuels and products cost competitive with petroleum-based equivalents, and it will take a big step toward a future in which our cars run on clean-burning renewable fuels, our plastics turn to compost, and our Nation's farmers fortify our energy security.

The bill has strong support from a broad coalition of agricultural producers, industry, clean energy, environment and national security groups. I have here several letters of endorsement.

I ask unanimous consent that the text of the bill, and the accompanying letters of endorsement, be printed in the RECORD.

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

S. 1210

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''National Security and Bioenergy Investment Act of 2005''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—BIOMASS RESEARCH AND DEVELOPMENT

Sec. 101. Definitions.
Sec. 102. Cooperation and coordination in biomass research and development.
Sec. 103. Biomass Research and Development Board.
Sec. 104. Biomass Research and Development Technical Advisory Committee.
Sec. 105. Biomass Research and Development Initiative.
Sec. 106. Reports.
Sec. 107. Funding.
Sec. 108. Termination of authority.
Sec. 109. Biomass-derived hydrogen.

TITLE II—PRODUCTION INCENTIVES

Sec. 201. Production incentives.

TITLE III—ASSISTANT SECRETARY OF AGRICULTURE FOR ENERGY AND BIOBASED PRODUCTS

Sec. 301. Assistant Secretary of Agriculture for Energy and Biobased Products.

TITLE IV—PROCUREMENT OF BIOBASED PRODUCTS

Sec. 401. Federal procurement.
Sec. 402. Capitol Complex procurement.
Sec. 403. Education .
Sec. 404. Regulations.

TITLE V—BIOECONOMY GRANTS AND TAX INCENTIVES

Sec. 501. Small business bioproduct marketing and certification grants.
Sec. 502. Regional bioeconomy development grants.
Sec. 503. Preprocessing and harvesting demonstration grants.
Sec. 504. Sense of the Senate.

TITLE VI—OTHER PROVISIONS

Sec. 601. Education and outreach.
Sec. 602. Reports.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Governors' Ethanol Coalition, in the report entitled ''Ethanol From Biomass America's 21st Century Transportation Fuel'', found that—

(A) the dependence of the United States on oil is a major risk to national security and economic and environmental health;

(B) the safest and least costly approach to mitigating these risks is to set and achieve aggressive biofuels research, development, production and use goals; and

(C) significant investment in cellulosic biofuels, including a dramatic expansion of existing research programs, production and consumer incentives, and commercialization assistance, is needed;

(2) the National Academy of Sciences has found that there are abundant sources of waste biomass, and approximately 280,000,000 tons of waste biomass generated, in all regions of the United States each year;

(3) the Natural Resources Defense Council has estimated that by 2025, 200,000,000 additional tons of biomass could be harvested each year from dedicated energy crops grown throughout the country, yielding $5,000,000,000 annually in profit for farmers;

(4) the Department of Agriculture has estimated that energy derived from existing biomass supplies could displace 25 percent of current petroleum imports while still meeting agricultural demands;

(5) if all diesel fuel in the United States were blended with a 4-percent blend of biodiesel, crude oil consumption in the United States would be reduced by 300,000,000 barrels each year by 2016;

(6) there is sufficient domestic feedstock for the production of at least 8,000,000,000 annual gallons of renewable fuels, including ethanol and biodiesel, by 2012;

(7) the Natural Resources Defense Council has estimated that biomass could supply 50 percent of current transportation petroleum demand by 2050;

(8) the National Academy of Sciences has estimated that enough agricultural crop residue is produced each year to entirely replace the 700,000,000 barrels of petroleum used in organic chemical production in 2004;

(9) the Biotechnology Industry Organization, in its report entitled ''New Biotechnology Tools for a Cleaner Environment'', found that if all plastics in the United States were made from biomass, oil consumption would decrease by up to 145,000,000 barrels per year;

(10) the National Academy of Sciences has reported that biobased products have the potential to improve the sustainability of natural resources, environmental quality, and national security while competing economically;

(11) the Department of Agriculture has made significant advances in the understanding and use by the United States of biomass as a feedstock for fuels and products;

(12) through participation with the Department of Energy in the Biomass Research and Development Initiative, the Department of Agriculture has also made valuable contributions, through grant-making and other initiatives, to the support of biomass research and development at institutions throughout the United States;

(13) the Government Accountability Office has found that—

(A) actions to implement the requirements of the Farm Security and Rural Investment Act of 2002 (Public Law 107–171; 116 Stat. 134) for purchasing biobased products have been limited; and

(B) greater priority by the Department of Agriculture would promote compliance by other agencies with biobased purchasing requirements;

(14) an Assistant Secretary of the Department of Agriculture for Energy and Biobased Products would provide the priority, staff, and financial resources to fully implement biobased purchasing requirements and other provisions of the energy title of the Farm Security and Rural Investment Act of 2002;

(15) Federal government contractors and the Architect of the Capitol are currently exempt from biobased purchasing requirements of the Farm Security and Rural Investment Act of 2002;

(16) expansion of those biobased purchasing requirements—

(A) to Federal contractors would significantly expand the market for, and advance commercialization of, biobased products; and

(B) to the Architect of the Capitol would, in combination with a program of public education, allow the Capitol Complex to serve as a showcase for the existence, use, and benefits of biobased products;

(17) fuel derived from cellulosic biomass could have near-zero net carbon dioxide and sulfur emissions, and substantially reduced carbon monoxide, particulate and toxic emissions relative to petroleum-based fuels;

(18) the bipartisan National Commission on Energy Policy has predicted that with a dedicated Federal research, development, and demonstration effort, cellulosic ethanol could be less expensive to produce than gasoline by 2015;

(19) the 2004 report of the Rocky Mountain Institute, entitled ''Winning the Oil Endgame'', estimated that a mature biomass industry would create up to 1,045,000 jobs;

(20) the National Academy of Sciences has found that there are significant opportunities to produce biomass ethanol more efficiently;

(21) the National Commission on Energy Policy has found that current Federal programs directed toward reducing the cost of biofuels are under-funded, intermittent, scattered, and poorly targeted;

(22) a report commissioned by the Department of Defense urged the United States to invest in a new large-scale initiative to produce biofuels as an alternative supply source, and as a feedstock for future fuel vehicles;

(23) the Consumer Federation of America has found that the blending of ethanol into conventional gasoline can significantly benefit consumers by lowering prices at the pump;

(24) 45 leading national security, labor, and energy policy experts joined the Energy Future Coalition in supporting a national commitment to cut the oil use of the United States by 25 percent by 2025 through the rapid development and deployment of advanced biomass, alcohol, and other available petroleum fuel alternatives; and

(25) an aggressive effort to advance technology for conversion of biomass to fuel and products is warranted.

SEC. 3. DEFINITIONS.

In this Act:

(1) DEPARTMENT.—The term ''Department'' means the Department of Agriculture.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

TITLE I—BIOMASS RESEARCH AND DEVELOPMENT

SEC. 101. DEFINITIONS.

Section 303 of the Biomass Research and Development Act of 2000 (Public Law 106–224; 7 U.S.C. 8101 note) is amended—

(1) by striking paragraphs (2), (3), and (9);

(2) by redesignating paragraphs (4), (5), (6), (7), and (8) as paragraphs (5), (7), (8), (9), and (10) respectively;

(3) by inserting after paragraph (1) the following:

''(2) BIOBASED FUEL.—The term 'biobased fuel' means any transportation fuel produced from biomass.

''(3) BIOBASED PRODUCT.—The term 'biobased product' means a commercial or industrial product (including chemicals, materials, polymers, and animal feed) produced from biomass, or electric power derived in connection with the conversion of biomass to fuel.

''(4) BIOMASS.—

''(A) IN GENERAL.—The term 'biomass' means—

''(i) organic material from a plant, including grasses and trees, that is planted for the purpose of being used to produce energy, including vegetation produced for harvest on land enrolled in the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.) if the harvest is consistent with the integrity of soil and water resources and with other environmental purposes of the conservation reserve program;

''(ii) nonhazardous, lignocellulosic, or hemicellulosic matter derived from—

''(I) the following forest-related resources:

''(aa) pre-commercial thinnings;

''(bb) slash; and

''(cc) brush;

''(II) an agricultural crop, crop byproduct, or agricultural crop residue, including vegetation produced for harvest on land enrolled in the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.) if the harvest is consistent with the integrity of soil and water resources and with other environmental purposes of the conservation reserve program; or

''(III) miscellaneous waste, including landscape or right-of-way tree trimmings; and

''(iii) agricultural animal waste.

''(B) EXCLUSION.—The term 'biomass' does not include—

''(i) unsegregated municipal solid waste;

''(ii) incineration of municipal solid waste;

''(iii) recyclable post-consumer waste paper and paper products;

''(iv) painted, treated, or pressurized wood;

''(v) wood contaminated with plastic or metals; or

''(vi) tires.''; and

(4) by inserting after paragraph (5) (as redesignated by paragraph (2)):

''(6) DEMONSTRATION.—The term 'demonstration' means demonstration of technology in a pilot plant or semi-works scale facility.''.

SEC. 102. COOPERATION AND COORDINATION IN BIOMASS RESEARCH AND DEVELOPMENT.

Section 304 of the Biomass Research and Development Act of 2000 (Public Law 106–224; 7 U.S.C. 8101 note) is amended—

(1) in subsections (a) and (d), by striking ''industrial products'' each place it appears and inserting ''fuels and biobased products'';

(2) by striking subsections (b) and (c);

(3) by redesignating subsection (d) as subsection (b); and

(4) in subsection (b)(1)(A) (as redesignated by paragraph (3)), by striking ''an officer of the Department of Agriculture appointed by the President to a position in the Department before the date of the designated, by and with the advice and consent of the Senate'' and inserting: ''the Assistant Secretary of Agriculture for Energy and Biobased Products''.

SEC. 103. BIOMASS RESEARCH AND DEVELOPMENT BOARD.

Section 305 of the Biomass Research and Development Act of 2000 (Public Law 106–224; 7 U.S.C. 8101 note) is amended—

(1) in subsections (a) and (c), by striking ''industrial products'' each place it appears and inserting ''fuels and biobased products'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''304(d)(1)(B)'' and inserting ''304(b)(1)(B)''; and

(B) in paragraph (2), by striking ''304(d)(1)(A)'' and inserting ''304(b)(1)(A)''; and

(3) in subsection (c)—

(A) in paragraph (1)(B), by striking ''and'' at the end;

(B) in paragraph (2), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(3) ensure that—

''(A) solicitations are open and competitive with awards made annually; and

''(B) objectives and evaluation criteria of the solicitations are clearly stated and minimally prescriptive, with no areas of special interest; and

''(4) ensure that the panel of scientific and technical peers assembled under section 307(c)(2)(C) to review proposals is composed predominantly of independent experts selected from outside the Departments of Agriculture and Energy.''.

SEC. 104. BIOMASS RESEARCH AND DEVELOPMENT TECHNICAL ADVISORY COMMITTEE.

Section 306 of the Biomass Research and Development Act of 2000 (Public Law 106–224; 7 U.S.C. 8101 note) is amended—

(1) in subsection (b)(1)—

(A) in subparagraph (A), by striking ''biobased industrial products'' and inserting ''biofuels'';

(B) by redesignating subparagraphs (B) through (J) as subparagraphs (C) through (K), respectively;

(C) by inserting after subparagraph (A) the following:

''(B) an individual affiliated with the biobased industrial and commercial products industry;'';

(D) in subparagraph (F) (as redesignated by subparagraph (B)) by striking ''an individual'' and inserting ''2 individuals'';

(E) in subparagraphs (C), (D), (G), and (I) (as redesignated by subparagraph (B)) by striking ''industrial products'' each place it appears and inserting ''fuels and biobased products''; and

(F) in subparagraph (H) (as redesignated by subparagraph (B)), by inserting ''and environmental'' before ''analysis'';

(2) in subsection (c)(2)—

(A) in subparagraph (A), by striking ''goals'' and inserting ''objectives, purposes, and considerations'';

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively;

(C) by inserting after subparagraph (A) the following:

''(B) solicitations are open and competitive with awards made annually and that objectives and evaluation criteria of the solicitations are clearly stated and minimally prescriptive, with no areas of special interest;''; and

(D) in subparagraph (C) (as redesignated by subparagraph (B)) by inserting ''predominantly from outside the Departments of Agriculture and Energy'' after ''technical peers''.

SEC. 105. BIOMASS RESEARCH AND DEVELOPMENT INITIATIVE.

Section 307 of the Biomass Research and Development Act of 2000 (Public Law 106–224; 7 U.S.C. 8101 note) is amended—

(1) in subsection (a), by striking ''research on biobased industrial products'' and inserting ''research on, and development and demonstration of, biobased fuels and biobased products, and the methods, practices and

technologies, including industrial biotechnology, for their production''; and

(2) by striking subsections (b) through (e) and inserting the following:

''(b) AGENCIES.—

''(1) AGRICULTURE.—The Secretary of Agriculture, through the point of contact of the Department of Agriculture and in consultation with the Board, shall provide, or enter into, grants, contracts, and financial assistance under this section through the Cooperative State Research, Education, and Extension Service of the Department of Agriculture.

''(2) ENERGY.—The Secretary of Energy, though the point of contact of the Department of Energy and in consultation with the Board, shall provide, or enter into, grants, contracts, and financial assistance under this section through the appropriate agency, as determined by the Secretary of Energy.

''(c) OBJECTIVES.—The objectives of the Initiative are to develop—

''(1) technologies and processes necessary for abundant commercial production of biobased fuels at prices competitive with fossil fuels;

''(2) high-value biobased products—

''(A) to enhance the economic viability of biobased fuels and power; and

''(B) as substitutes for petroleum-based feedstocks and products; and

''(3) a diversity of sustainable domestic sources of biomass for conversion to biobased fuels and biobased products.

''(d) PURPOSES.—The purposes of the Initiative are—

''(1) to increase the energy security of the United States;

''(2) to create jobs and enhance the economic development of the rural economy;

''(3) to enhance the environment and public health; and

''(4) to diversify markets for raw agricultural and forestry products.

''(e) TECHNICAL AREAS.—To advance the objectives and purposes of the Initiative, the Secretary of Agriculture and the Secretary of Energy, in consultation with the Administrator of the Environmental Protection Agency and heads of other appropriate departments and agencies (referred to in this section as the 'Secretaries'), shall direct research and development toward—

''(1) feedstock production through the development of crops and cropping systems relevant to production of raw materials for conversion to biobased fuels and biobased products, including—

''(A) development of advanced and dedicated crops with desired features, including enhanced productivity, broader site range, low requirements for chemical inputs, and enhanced processing;

''(B) advanced crop production methods to achieve the features described in subparagraph (A);

''(C) feedstock harvest, handling, transport, and storage; and

''(D) strategies for integrating feedstock production into existing managed land;

''(2) overcoming recalcitrance of cellulosic biomass through developing technologies for converting cellulosic biomass into intermediates that can subsequently be converted into biobased fuels and biobased products, including—

''(A) pretreatment in combination with enzymatic or microbial hydrolysis; and

''(B) thermochemical approaches, including gasification and pyrolysis;

''(3) product diversification through technologies relevant to production of a range of biobased products (including chemicals, animal feeds, and cogenerated power) that eventually can increase the feasibility of fuel production in a biorefinery, including—

''(A) catalytic processing, including thermochemical fuel production;

''(B) metabolic engineering, enzyme engineering, and fermentation systems for biological production of desired products or cogeneration of power;

''(C) product recovery;

''(D) power production technologies; and

''(E) integration into existing biomass processing facilities, including starch ethanol plants, paper mills, and power plants; and

''(4) analysis that provides strategic guidance for the application of biomass technologies in accordance with realization of societal benefits in improved sustainability and environmental quality, cost effectiveness, security, and rural economic development, usually featuring system-wide approaches.

''(f) ADDITIONAL CONSIDERATIONS.—Within the technical areas described in subsection (e), and in addition to advancing the purposes described in subsection (d) and the objectives described in subsection (c), the Secretaries shall support research and development—

''(1) to create continuously expanding opportunities for participants in existing biofuels production by seeking synergies and continuity with current technologies and practices, including the use of dried distillers grains as a bridge feedstock;

''(2) to maximize the environmental, economic, and social benefits of production of biobased fuels and biobased products on a large scale through life-cycle economic and environmental analysis and other means; and

''(3) to assess the potential of Federal land and land management programs as feedstock resources for biobased fuels and biobased products, consistent with the integrity of soil and water resources and with other environmental considerations.

''(g) ELIGIBLE ENTITIES.—To be eligible for a grant, contract, or assistance under this section, an applicant shall be—

''(1) an institution of higher education;

''(2) a national laboratory;

''(3) a Federal research agency;

''(4) a State research agency;

''(5) a private sector entity;

''(6) a nonprofit organization; or

''(7) a consortium of 2 of more entities described in paragraphs (1) through (6).

''(h) ADMINISTRATION.—

''(1) IN GENERAL.—After consultation with the Board, the points of contact shall—

''(A) publish annually 1 or more joint requests for proposals for grants, contracts, and assistance under this section;

''(B) establish a priority in grants, contracts, and assistance under this section for research that advances the objectives, purposes, and additional considerations of this title;

''(C) require that grants, contracts, and assistance under this section be awarded competitively, on the basis of merit, after the establishment of procedures that provide for scientific peer review by an independent panel of scientific and technical peers; and

''(D) give some preference to applications that—

''(i) involve a consortia of experts from multiple institutions;

''(ii) encourage the integration of disciplines and application of the best technical resources; and

''(iii) increase the geographic diversity of demonstration projects.

''(2) DISTRIBUTION OF FUNDING BY TECHNICAL AREA.—Of the funds authorized to be appropriated for activities described in this section—

''(A) 20 percent shall be used to carry out activities for feedstock production under subsection (e)(1);

''(B) 45 percent shall be used to carry out activities for overcoming recalcitrance of cellulosic biomass under subsection (e)(2);

''(C) 30 percent shall be used to carry out activities for product diversification under subsection (e)(3); and

''(D) 5 percent shall be used to carry out activities for strategic guidance under subsection (e)(4).

''(3) DISTRIBUTION OF FUNDING WITHIN EACH TECHNICAL AREA.—Within each technical area described in paragraphs (1) through (3) of subsection (e)—

''(A) 15 percent of funds shall be used for applied fundamentals;

''(B) 35 percent of funds shall be used for innovation; and

''(C) 50 percent of funds shall be used for demonstration.

''(4) MATCHING FUNDS.—

''(A) IN GENERAL.—A minimum 20 percent funding match shall be required for demonstration projects under this title.

''(B) NO OTHER REQUIREMENT.—No matching funds shall be required for other activities under this title.

''(5) TECHNOLOGY AND INFORMATION TRANSFER TO AGRICULTURAL USERS.—

''(A) IN GENERAL.—The Administrator of the Cooperative State Research, Education, and Extension Service and the Chief of the Natural Resources Conservation Service shall ensure that applicable research results and technologies from the Initiative are adapted, made available, and disseminated through those services, as appropriate.

''(B) REPORT.—Not later than 2 years after the date of enactment of this paragraph, and every 2 years thereafter, the Administrator of the Cooperative State Research, Education, and Extension Service and the Chief of the Natural Resources Conservation Service shall submit to the committees of Congress with jurisdiction over the Initiative a report describing the activities conducted by the services under this subsection.''.

SEC. 106. REPORTS.

Section 309 of the Biomass Research and Development Act of 2000 (Public Law 106–224; 7 U.S.C. 8101 note) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking ''industrial product'' and inserting ''fuels and biobased products''; and

(B) in paragraph (3), by striking ''industrial products'' each place it appears and inserting ''fuels and biobased products'';

(2) by redesignating subsection (b) as subsection (c);

(3) by inserting after subsection (a) the following:

''(b) ASSESSMENT REPORT AND STRATEGIC PLAN.—Not later than 1 year after the date of enactment of the National Security and Bioenergy Investment Act of 2005, the Secretary and the Secretary of Energy shall jointly submit to Congress a report that—

''(1) describes the status and progress of current research and development efforts in both the Federal Government and private sector in achieving the objectives, purposes, and considerations of this title, specifically addressing each of the technical areas identified in section 307(e);

''(2) describes the actions taken to implement the improvements directed by this title; and

''(3) outlines a strategic plan for achieving the objectives, purposes, and considerations of this title.''; and

(4) in subsection (c) (as redesignated by paragraph (2))—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''purposes described in section 307(b)'' and inserting ''objectives, purposes, and additional considerations described in subsections (c) through (f) of section 307'';

(ii) in subparagraph (B), by striking ''and'' at the end;

(iii) by redesignating subparagraph (C) as subparagraph (D); and

(iv) by inserting after subparagraph (B) the following:

''(C) achieves the distribution of funds described in paragraphs (2) and (3) of section 307(h); and''; and

(B) in paragraph (2), by striking ''industrial products'' and inserting ''fuels and biobased products''.

SEC. 107. FUNDING.

(a) FUNDING.—Section 310(a)(2) of the Biomass Research and Development Act of 2000 (Public Law 106–224; 7 U.S.C. 8101 note) is amended by striking ''$14,000,000 for each of fiscal years 2003 through 2007'' and inserting ''$200,000,000 for each of fiscal years 2006 through 2010''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 310(b) of the Biomass Research and Development Act of 2000 (Public Law 106–224; 7 U.S.C. 8101 note) is amended by striking ''title $54,000,000 for each of fiscal years 2002 through 2007'' and inserting''title $200,000,000 for fiscal year 2011 and each fiscal year thereafter''.

SEC. 108. TERMINATION OF AUTHORITY.

The Biomass Research and Development Act of 2000 (Public Law 106–224; 7 U.S.C. 8101 note) is amended by striking section 311.

SEC. 109. BIOMASS-DERIVED HYDROGEN.

(a) IN GENERAL.—The Secretary shall conduct a research, development, and demonstration program focused on the economic production and use of hydrogen from biofuels, with emphasis on the rural transportation and rural electrical generation sectors.

(b) TRANSPORTATION SECTOR OBJECTIVES.—The objectives of the program in the transportation sector shall be to—

(1) conduct research, and to develop and test processes and equipment, to produce low-cost liquid biobased fuels that can be transported to distant fueling stations for the production of hydrogen or for direct use in conventional internal combustion engine vehicles;

(2) demonstrate the cost-effective production of hydrogen from liquid biobased fuels at the local fueling station, to eliminate the costs of transporting hydrogen long distances or building hydrogen pipeline networks;

(3) demonstrate the use of hydrogen derived from liquid biobased fuels in fuel cell vehicles, or, as an interim cost-reduction option, in internal combustion engine hybrid electric vehicles, to demonstrate sustainable transportation with significantly reduced local air pollution, greenhouse gas emissions, and dependence on imported fossil fuels;

(4) evaluate the economic return to agricultural producers producing feedstocks for liquid biobased fuels compared to agricultural producer returns as of the date of enactment of this Act;

(5) evaluate the crop yield and long-term soil sustainability of growing and harvesting feedstocks for liquid biobased fuels; and

(6) evaluate the fuel costs to fuel cell car owners (or hybrid electric car owners running on hydrogen) per mile driven compared to burning gasoline in conventional vehicles.

(c) ELECTRICAL GENERATION SECTOR OBJECTIVES.—The objectives of the program in the rural electrical generation sector shall be to—

(1) design, develop, and test low-cost gasification equipment to convert biomass to hydrogen at regional rural cooperatives, or at businesses owned by farmers, close to agricultural operations to minimize the cost of biomass transportation to large central gasification plants;

(2) demonstrate low-cost electrical generation at such rural cooperatives or farmer-owned businesses, using renewable hydrogen derived from biomass in either fuel cell generators, or, as an interim cost reduction option, in conventional internal combustion engine gensets;

(3) determine the economic return to cooperatives or other businesses owned by farmers of producing hydrogen from biomass and selling electricity compared to agricultural economic returns from producing and selling conventional crops alone;

(4) evaluate the crop yield and long-term soil sustainability of growing and harvesting of feedstocks for biomass gasification, and

(5) demonstrate the use of a portion of the biomass-derived hydrogen in various agricultural vehicles to reduce—

(A) dependence on imported fossil fuel; and

(B) environmental impacts.

(d) AUTHORIZATION FOR APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2006 through 2010.

TITLE II—PRODUCTION INCENTIVES

SEC. 201. PRODUCTION INCENTIVES.

(a) PURPOSE.—The purpose of this section is to—

(1) accelerate deployment and commercialization of biofuels;

(2) deliver the first 1,000,000,000 gallons of cellulosic biofuels by 2015;

(3) ensure biofuels produced after 2015 are cost competitive with gasoline and diesel; and

(4) ensure that small feedstock producers and rural small businesses are full participants in the development of the cellulosic biofuels industry.

(b) DEFINITIONS.—In this section:

(1) CELLULOSIC BIOFUELS.—The term ''cellulosic biofuels'' means any fuel that is produced from cellulosic feedstocks.

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means a producer of fuel from cellulosic biofuels the production facility of which—

(A) is located in the United States;

(B) meets all applicable Federal and State permitting requirements;

(C) is to begin production of cellulosic biofuels not later than 3 years after the date of the reverse auction in which the producer participates; and

(D) meets any financial criteria established by the Secretary.

(c) PROGRAM.—

(1) ESTABLISHMENT.—The Secretary, in consultation with the Secretary of Energy, the Secretary of Defense, and the Administrator of the Environmental Protection Agency, shall establish an incentive program for the production of cellulosic biofuels.

(2) BASIS OF INCENTIVES.—Under the program, the Secretary shall award production incentives on a per gallon basis of cellulosic biofuels from eligible entities, through—

(A) set payments per gallon of cellulosic biofuels produced in an amount determined by the Secretary, until initiation of the first reverse auction; and

(B) reverse auction thereafter.

(3) FIRST REVERSE AUCTION.—The first reverse auction shall be held on the earlier of—

(A) not later than 1 year after the first year of annual production in the United States of 100,000,000 gallons of cellulosic biofuels, as determined by the Secretary; or

(B) not later than 3 years after the date of enactment of this Act.

(4) REVERSE AUCTION PROCEDURE.—

(A) IN GENERAL.—On initiation of the first reverse auction, and each year thereafter until the earlier of the first year of annual production in the United States of 1,000,000,000 gallons of cellulosic biofuels, as determined by the Secretary, or 10 years after the date of enactment of this Act, the Secretary shall conduct a reverse auction at which—

(i) the Secretary shall solicit bids from eligible entities;

(ii) eligible entities shall submit—

(I) a desired level of production incentive on a per gallon basis; and

(II) an estimated annual production amount in gallons; and

(iii) the Secretary shall issue awards for the production amount submitted, beginning with the eligible entity submitting the bid for the lowest level of production incentive on a per gallon basis, until the amount of funds available for the reverse auction is committed.

(B) AMOUNT OF INCENTIVE RECEIVED.—An eligible entity selected by the Secretary through a reverse auction shall receive the amount of performance incentive requested in the auction for each gallon produced and sold by the entity during the first 6 years of operation.

(d) LIMITATIONS.—Awards under this section shall be limited to—

(1) a per gallon amount determined by the Secretary during the first 4 years of the program;

(2) a declining per gallon cap over the remaining lifetime of the program, to be established by the Secretary so that cellulosic biofuels produced after the first year of annual cellulosic biofuels production in the United States in excess of 1,000,000,000 gallons are cost competitive with gasoline and diesel;

(3) not more than 25 percent of the funds committed within each reverse auction to any 1 project;

(4) not more than $100,000,000 in any 1 year; and

(5) not more than $1,000,000,000 over the lifetime of the program.

(e) PRIORITY.—In selecting a project under the program, the Secretary shall give priority to projects that—

(1) demonstrate outstanding potential for local and regional economic development;

(2) include agricultural producers or cooperatives of agricultural producers as equity partners in the ventures; and

(3) have a strategic agreement in place to fairly reward feedstock suppliers.

(f) FUNDING.—

(1) IN GENERAL.—The Secretary shall use to carry out this title $250,000,000 of funds of the Commodity Credit Corporation, to remain available until expended.

(2) AUTHORIZATIONS OF APPROPRIATIONS.—In addition to amounts made available under paragraph (1), there are authorized to be appropriated such sums as are necessary to carry out this section.

TITLE III—ASSISTANT SECRETARY OF AGRICULTURE FOR ENERGY AND BIOBASED PRODUCTS

SEC. 301. ASSISTANT SECRETARY OF AGRICULTURE FOR ENERGY AND BIOBASED PRODUCTS.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish in the Department a position of Assistant Secretary of Agriculture for Energy and Biobased Products (referred to in this section as the ''Assistant Secretary'').

(b) RESPONSIBILITIES.—The Assistant Secretary shall be responsible for—

(1) the energy programs established under title IX of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8101 et seq.); and

(2) all other programs and initiatives that the Secretary considers appropriate.

(c) CONFIRMATION REQUIREMENT.—The Assistant Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

(d) PERSONNEL.—The Secretary, acting through the Assistant Secretary, may transfer or assign work to personnel, or assign staff hours, on a permanent or a part-time basis, as needed, to the Office of the Assistant Secretary to carry out the functions and duties of the office.

(e) BUDGET.—The Secretary shall establish a budget for the office of the Assistant Secretary.

TITLE IV—PROCUREMENT OF BIOBASED PRODUCTS

SEC. 401. FEDERAL PROCUREMENT.

(a) DEFINITION OF PROCURING AGENCY.—Section 9001 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8101) is amended—

(1) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively; and

(2) by inserting after paragraph (3) the following:

''(4) PROCURING AGENCY.—The term 'procuring agency' means—

''(A) any Federal agency that is using Federal funds for procurement; or

''(B) any person contracting with any Federal agency with respect to work performed under the contract.''.

(b) PROCUREMENT.—Section 9002 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8102) is amended—

(1) by striking ''Federal agency'' each place it appears (other than in subsections (f) and (g)) and inserting ''procuring agency'';

(2) in subsection (c)(2)—

(A) by striking ''(2)'' and all that follows through ''Notwithstanding'' and inserting the following:

''(2) FLEXIBILITY.—Notwithstanding'';

(B) by striking ''an agency'' and inserting ''a procuring agency''; and

(C) by striking ''the agency'' and inserting ''the procuring agency'';

(3) in subsection (d), by striking ''procured by Federal agencies'' and inserting ''procured by procuring agencies''; and

(4) in subsection (f), by striking ''Federal agencies'' and inserting ''procuring agencies'' .

SEC. 402. CAPITOL COMPLEX PROCUREMENT.

Section 9002 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8102) (as amended by section 401(b)) is amended—

(1) by redesignating subsection (j) as subsection (k); and

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

''(j) INCLUSION.—Not later than 90 days after the date of enactment of the National Security and Bioenergy Investment Act of 2005, the Architect of the Capitol, the Sergeant of Arms of the Senate, and the Chief Administrative Officer of the House of Representatives shall issue regulations that apply the requirements of this section to procurement for the Capitol Complex.''.

SEC. 403. EDUCATION .

(a) IN GENERAL.—The Architect of the Capitol shall establish in the Capitol Complex a program of public education regarding use by the Architect of the Capitol of biobased products.

(b) PURPOSES.—The purposes of the program shall be—

(1) to establish the Capitol Complex as a showcase for the existence and benefits of biobased products; and

(2) to provide access to further information on biobased products to occupants and visitors.

SEC. 404. REGULATIONS.

Requirements issued under the amendment made by section 402 shall be made in accordance with regulations issued by the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives.

TITLE V—BIOECONOMY GRANTS AND TAX INCENTIVES

SEC. 501. SMALL BUSINESS BIOPRODUCT MARKETING AND CERTIFICATION GRANTS.

(a) IN GENERAL.—Using amounts made available under subsection (g), the Secretary shall make available on a competitive basis grants to eligible entities described in subsection (b) for the biobased product marketing and certification purposes described in subsection (c).

(b) ELIGIBLE ENTITIES.—An entity eligible for a grant under this section is any manufacturer of biobased products that—

(1) has fewer than 50 employees;

(2) proposes to use the grant for the biobased product marketing and certification purposes described in subsection (c); and

(3) has not previously received a grant under this section.

(c) BIOBASED PRODUCT MARKETING AND CERTIFICATION GRANT PURPOSES.—A grant made under this section shall be used—

(1) to plan activities and working capital for marketing of biobased products; and

(2) to provide private sector cost sharing for the certification of biobased products.

(d) MATCHING FUNDS.—

(1) IN GENERAL.—Grant recipients shall provide matching non-Federal funds equal to the amount of the grant received.

(2) EXPENDITURE.—Matching funds shall be expended in advance of grant funding, so that for every dollar of grant that is advanced, an equal amount of matching funds shall have been funded prior to submitting the request for reimbursement.

(e) AMOUNT.—A grant made under this section shall not exceed $100,000.

(f) ADMINISTRATION.—The Secretary shall establish such administrative requirements for grants under this section, including requirements for applications for the grants, as the Secretary considers appropriate.

(g) AUTHORIZATIONS OF APPROPRIATIONS.—There are authorized to be appropriated to make grants under this section—

(1) $1,000,000 for fiscal year 2006; and

(2) such sums as are necessary for fiscal year 2007 and each subsequent fiscal year.

SEC. 502. REGIONAL BIOECONOMY DEVELOPMENT GRANTS.

(a) IN GENERAL.—Using amounts made available under subsection (g), the Secretary shall make available on a competitive basis grants to eligible entities described in subsection (b) for the purposes described in subsection (c).

(b) ELIGIBLE ENTITIES.—An entity eligible for a grant under this section is any regional bioeconomy development association, agricultural or energy trade association, or Land Grant institution that—

(1) proposes to use the grant for the purposes described in subsection (c); and

(2) has not previously received a grant under this section.

(c) REGIONAL BIOECONOMY DEVELOPMENT ASSOCIATION GRANT PURPOSES.—A grant made under this section shall be used to support and promote the growth and development of the bioeconomy within the region served by the eligible entity, through coordination, education, outreach, and other endeavors by the eligible entity.

(d) MATCHING FUNDS.—

(1) IN GENERAL.—Grant recipients shall provide matching non-Federal funds equal to the amount of the grant received.

(2) EXPENDITURE.—Matching funds shall be expended in advance of grant funding, so that for every dollar of grant that is advanced, an equal amount of matching funds shall have been funded prior to submitting the request for reimbursement.

(e) ADMINISTRATION.—The Secretary shall establish such administrative requirements for grants under this section, including requirements for applications for the grants, as the Secretary considers appropriate.

(f) AMOUNT.—A grant made under this section shall not exceed $500,000.

(g) AUTHORIZATIONS OF APPROPRIATIONS.—There are authorized to be appropriated to make grants under this section—

(1) $1,000,000 for fiscal year 2006; and

(2) such sums as are necessary for fiscal year 2007 and each subsequent fiscal year.

SEC. 503. PREPROCESSING AND HARVESTING DEMONSTRATION GRANTS.

(a) IN GENERAL.—The Secretary shall make grants available on a competitive basis to enterprises owned by agricultural producers, for the purposes of demonstrating cost-effective, cellulosic biomass innovations in—

(1) preprocessing of feedstocks, including cleaning, separating and sorting, mixing or blending, and chemical or biochemical treatments, to add value and lower the cost of feedstock processing at a biorefinery; or

(2) 1-pass or other efficient, multiple crop harvesting techniques.

(b) LIMITATIONS ON GRANTS.—

(1) NUMBER OF GRANTS.—Not more than 5 demonstration projects per fiscal year shall be funded under this section.

(2) NON-FEDERAL COST SHARE.—The non-Federal cost share of a project under this section shall be not less than 20 percent, as determined by the Secretary.

(c) CONDITION OF GRANT.—To be eligible for a grant for a project under this section, a recipient of a grant or a participating entity shall agree to use the material harvested under the project—

(1) to produce ethanol; or

(2) for another energy purpose, such as the generation of heat or electricity.

(d) AUTHORIZATION FOR APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2006 through 2010.

SEC. 504. SENSE OF THE SENATE.

It is the sense of the Senate that Congress should amend the Federal tax code to encourage investment in, and production and use of, biobased fuels and biobased products through—

(1) an investment tax credit for the construction or modification of facilities for the production of fuels from cellulose biomass, to drive private capital towards new biorefinery projects in a manner that allows participation by smaller farms and cooperatives; and

(2) an investment tax credit to small manufacturers of biobased products to lower the capital costs of starting and maintaining a biobased business.

TITLE VI—OTHER PROVISIONS

SEC. 601. EDUCATION AND OUTREACH.

(a) IN GENERAL.—The Secretary shall establish, within the Department or through an independent contracting entity, a program of education and outreach on biobased fuels and biobased products consisting of—

(1) training and technical assistance programs for feedstock producers to promote producer ownership, investment, and participation in the operation of processing facilities; and

(2) public education and outreach to familiarize consumers with the biobased fuels and biobased products.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this title $1,000,000 for each of fiscal years 2006 through 2010.

SEC. 602. REPORTS.

(a) PROGRESS REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on progress in establishing the Office of the Assistant Secretary of Agriculture for Energy and Biobased Products under title I.

(b) BIOBASED PRODUCT POTENTIAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that—

(1) describes the economic potential for the United States of the widespread production and use of commercial and industrial biobased products through calendar year 2025; and

(2) as the maximum extent practicable, identifies the economic potential by product area.

(c) ANALYSIS OF ECONOMIC INDICATORS.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Secretary shall submit to Congress an analysis of economic indicators of the biobased economy during the 2-year period preceding the analysis.

JUNE 9, 2005.

HON. TOM HARKIN,
U.S. Senate,
Washington, DC.
HON. RICHARD LUGAR,
U.S. Senate,
Washington, DC.
Re the National Security and Bioenergy Investment Act of 2005.

DEAR SENATORS HARKIN AND LUGAR: The National Corn Growers Association (NCGA), the American Soybean Association (ASA), and the Renewable Fuels Association are writing to express our support for the National Security and Bioenergy Investment Act of 2005. In particular, we strongly support the increased procurement of biobased products by Federal agencies and all Federal government contractors. Biobased products represent a large potential growth market for corn and soybean growers in areas such as plastics, solvents, packaging and other consumer goods to provide markets for U.S.-grown crops. The biobased product industry has already started to grow, bringing new products to consumers, new markets to growers and new investments to our communities.

The procurement of biobased products promotes energy and environmental security. Products made from corn and soybeans could replace a variety of items currently produced from petroleum, and aid in reducing dependence on imported oil. Already the production of ethanol and biodiesel reduces imports by more than 140 million barrels of oil. The production of biobased products generates less greenhouse gas than traditional petroleum-based items. There are also tremendous opportunities for grower-owned processing facilities and rural American and agriculture as a whole. New jobs and investments will be brought into rural communities, as new processing and manufacturing facilities move into those communities to be near renewable feed stocks.

NCGA, ASA and RFA applaud your continued efforts to promote the use of biobased products that will encourage the development of new markets for corn and soybeans and ultimately help to revitalize rural economies and the agriculture industry as a whole. We have been avid supporters of the biobased products industry, and we look forward to working with you as you continue to provide vision and direction for this emerging industry.

Sincerely,

LEON CORZINE,
President, National Corn Growers Association.
NEAL BREDEHOEFT,
President, American Soybean Association.
BOB DINNEEN,
President, Renewable Fuels Association.

GOVERNORS' ETHANOL COALITION,
Lincoln, NE, June 9, 2005.

Hon. TOM HARKIN,
Hart Senate Office Building,
Washington, DC.
Hon. BARACK OBAMA,
Hart Senate Office Building,
Washington, DC.
Hon. RICHARD LUGAR,
Hart Senate Office Building,
Washington, DC.
Hon. NORM COLEMAN,
Hart Senate Office Building,
Washington, DC.

DEAR SENATORS: On behalf of the thirty members of the Governors' Ethanol Coalition, we strongly support and endorse the National Security and Bioenergy Investment Act of 2005, as well as your efforts to expand development of other biofuels and co-products. The Governors' Ethanol Coalition is pleased that this bill embodies the recommendations developed by the Coalition in Ethanol From Biomass, America's 21st Century Transportation Fuel. When signed into law, this act will catalyze needed research, production, and use of biofuels and bio-based products, thereby enhancing our economic, environmental, and national security.

The Coalition believes that the nation's dependency on imported oil presents a huge risk to this country's future. The combination of political tensions in major oil-producing nations with growing oil demand from China and India is seriously threatening our national security. Moreover, as we import greater amounts of oil each year, we are draining more and more of the wealth from our states.

The key provisions contained in your bill bring focus and resources to biomass-derived ethanol research and commercialization efforts. The result, over time, will be the replacement of significant amounts of imported oil with domestically produced fuels—improving our rural economies, cleaning our air, and contributing to our national security. Of particular importance is the bill's aim to broaden ethanol production to include all regions of the nation so that many more states will reap the benefits of biofuels.

Again, thank you for inclusion of the Coalition's recommendations in this landmark legislation. Please let us know how the Coalition can help with the passage of this very important legislation. The continued expansion of ethanol production and use, particularly biomass-derived fuels, and the accompanying economic growth and environmental benefits for our states is essential to the nation's long-term economic vitality and national security.

Sincerely,

TIM PAWLENTY,
Chair, Governor of Minnesota.
KATHLEEN SEBELIUS,
Vice Chair, Governor of Kansas.

ENERGY FUTURE℠ COALITION,
Washington, DC, June 8, 2005.

Hon. TOM HARKIN,
Hon. RICHARD G. LUGAR,
U.S. Senate,
Washington, DC.

DEAR SENATORS HARKIN AND LUGAR: On behalf of the Energy Future Coalition, I am writing to commend your leadership and vision in drafting the National Security and Bioenergy Investment Act of 2005.

In our judgment, America's growing dependence on foreign oil endangers our national and economic security. We believe the Federal government should undertake a major new initiative to curtail U.S. oil consumption through improved efficiency and the rapid development and deployment of advanced biomass, alcohol and other available petroleum fuel alternatives.

With such a push, we believe domestic biofuels can cut the nation's oil use by 25 percent by 2025, and substantial further reductions are possible through efficiency gains from advanced technologies. That is an ambitious goal, but it is also an extraordinary opportunity for American leadership, innovation, job creation, and economic growth.

You took an important step forward by introducing S. 650, the Fuels Security Act, incorporated into the Senate energy bill during Committee markup. This legislation is another important step, authorizing the additional research and development and federal incentives needed to accelerate the adoption of biobased fuels and coproducts. We are pleased to support it.

Sincerely,

REID DETCHON.

BIOTECHNOLOGY INDUSTRY ORGANIZATION,
Washington, DC, June 8, 2005.

Hon. TOM HARKIN,
Ranking Democratic Member.
Hon. RICHARD LUGAR,
Member, U.S. Senate Committee on Agriculture, Nutrition and Forestry, Russell Senate Office Building, Washington, DC.

DEAR SENATORS HARKIN AND LUGAR: The Biotechnology Industry Organization (BIO) Industrial and Environmental Section fully supports the National Security and Bioenergy Investment Act of 2005. We greatly appreciate your vision and initiative to expand the Biomass Research and Development Act and to create new incentives to produce biofuels and biobased products.

America's growing dependence on foreign energy is eroding our national security. We must take steps to drastically increase production of domestic energy. As an active participant in the Energy Future Coalition, BIO believes this country needs a major new initiative to more aggressively research, develop and deploy advanced biofuels technologies. With sufficient government support, we can meet up to 25% of our transportation fuel needs by converting farm crops and crop residues to transportation fuel.

The National Security and Bioenergy Investment Act of 2005 will boost the use of industrial biotechnology to produce fuels and biobased products from renewable agricultural feedstocks. With the use of new biotech tools, we can now utilize millions of tons of crop residues, such as corn stover and wheat straw, to produce sugars that can then be converted to ethanol, chemicals and biobased plastics. These biotech tools can only be rapidly deployed if federal policy makers take steps to help our innovative companies get over the initial hurdles they face during

the commercialization phase of bioenergy production and your bill will help get that job done.

We are pleased to endorse this visionary legislation.

Sincerely,

BRENT ERICKSON,
Executive Vice President, Biotechnology Industry Organization.

NATURAL RESOURCES DEFENSE COUNCIL,
Washington, DC, June 7, 2005.

DEAR SENATORS HARKIN AND LUGAR: The Natural Resources Defense Council strongly supports the National Security and Bioenergy Investment Act of 2005, which you introduced today. This important bill would expand and refine research, development, demonstration and deployment efforts for the production of energy from crops grown by farmers here in America. The bill would also expand and improve the Department of Agriculture's efforts to promote a biobased economy, federal bio-energy and bio-product purchasing requirements, and federal educational efforts.

The Research and Development (R&D) title of this bill continues your tradition of leadership in this area by updating the Biomass Research and Development Act of 2000, which you also crafted. This title will not only extend the provisions of the original bill and greatly increase the funding for these provisions, it will also refine the direction of this funding. Taken together, these changes maximize the impacts of R&D on the greatest challenges facing cellulosic biofuels today.

Your bill also creates extremely important production incentives for the first one billion gallons of cellulosic biofuels. The production incentives approach taken by the bill—a combination of fixed incentives per gallon at first, switching over to a reverse auction—will maximize the development of cellulosic biofuels production while minimizing the cost to taxpayers.

In addition, the bill creates an Assistant Secretary of Agriculture for Energy and Biobased Products. Coupled with the bill's development grants, tax incentives, biobased product procurement provisions, and educational program, the bill would make a huge contribution to developing a sustainable biobased economy, reducing our oil dependence and improving our national security.

The technologies advanced by this bill will undoubtedly make important contributions to reducing our global warming pollution and the air and water pollution that comes from our dependence on fossil fuels. We are concerned, however, that the eligibility provisions for forest biomass do not exclude sensitive areas that need protecting, including roadless areas, old growth forests, and other endangered forests, and do not restrict eligibility to renewable sources or prohibit possible conversion of native forests to plantations. We know that you do not want to see this admirable legislation applied in ways that exploit these features, and will be happy to work with you in the future to take any steps needed if abuses arise.

Sincerely,

KAREN WAYLAND,
Legislative Director.

ENVIRONMENTAL LAW AND POLICY CENTER,
Chicago, IL, June 8, 2005.

Hon. TOM HARKIN,
Hon. RICHARD G. LUGAR,
U.S. Senate,
Washington, DC.

DEAR SENATORS HARKIN AND LUGAR: The Environmental Law and Policy Center (''ELPC'') is pleased to support the National Security and Bioenergy Investment Act of 2005, and we commend you for your leadership and vision in introducing this legislation. This bill would accelerate research, development, demonstration and production efforts for energy from farm crops in the United States, especially cellulosic ethanol. It also will expand and prioritize the United States Department of Agriculture's leadership responsibilities to promote clean and sustainable energy development, and it will increase procurement of biobased products.

By significantly expanding the development and production of clean energy ''cash crops,'' this legislation will improve our environmental quality, stimulate significant rural economic development, and strengthen our national energy security. ELPC also appreciates that this legislation reflects your longstanding support for farm-based sustainable energy programs. ELPC strongly supported your successful efforts to create the new Energy Title in the 2002 Farm Bill, which established groundbreaking new federal incentives for renewable energy and energy efficiency, while renewing existing programs such as the Biomass Research and Development Act of 2000.

The National Security and Bioenergy Investment Act of 2005 is a natural complement to the 2002 Farm Bill Energy Title programs, and it will help to strengthen support for the right bioenergy production programs in the 2007 Farm Bill. Accordingly, ELPC is pleased to support this legislation.

Very truly yours,

HOWARD A. LEARNER,
Executive Director.

INSTITUTE FOR LOCAL SELF-RELIANCE,
Washington, DC, June 6, 2005.

Hon. TOM HARKIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR TOM HARKIN: Congratulations on your bill, National Security and Bioenergy Investment Act of 2005. It is a breakthrough piece of legislation. Your well-conceived bill, combining needed executive branch changes, welcome increases in research and development funding and innovative commercialization techniques, can move the use of plants as a fuel and industrial material from the margins of the economy to the mainstream. I urge everyone with an interest in our environmental, agricultural and economic future to support this bill.

Sincerely,

DAVID MORRIS,
Vice President.

By Mr. BINGAMAN:

S. 1211. A bill to establish an Office of Foreign Science and Technology Assessment to enable the United States to effectively analyze trends in foreign science and technology, and for other purposes; to the Committee on foreign Relations.

Mr. BINGAMAN. Mr. President—I rise today to introduce a bill that would establish a capability within the State Department Science Advisor's Office to assess science and technology outside the United States.

Over the past two years I have traveled to Taiwan, China and India to better understand why these developing countries' economies were growing so rapidly. I learned that in all cases the primary reason for their robust growth was the emergence of a well-trained science and engineering workforce that tied directly into their highly competitive innovation economies.

For instance, Taiwan now leads the world in general purpose foundry computer chip facilities, controlling about 70 percent of the world market. A recent Defense Science Board Report entitled ''High Performance Microchip Supply'' notes that by the end of 2005 there will be 59 300mm chip fabrication plants with only 16 of these located in the United States. The number of U.S. plants has remained constant for the past two years, so as the number of Asian foundries has risen, the share of these advanced chip making facilities has declined from 30 to 20 percent. This report also notes that capital expenditures in the U.S. chip industry has fallen from a high of 42 percent in 2001 to 33 percent in 2004. Conversely, Taiwan's investment has increased from 15 percent in 2002 to 20 percent of the world's capital expenditure in chip facilities and now leads Korea, Japan, and Europe.

There is a good explanation as to why countries such as Taiwan are rapidly rising in the high-technology world. Since 1984 Taiwan has made steady increases in their investments in the building of science based research parks. Hsinchu, their flagship science park, now has over 324 high technology companies, generating over $22 billion annually in gross revenues, and employing a high technology work force exceeding 100,000. This science park is bounded by two universities and contains six national laboratories. Taiwan is now building science parks in the middle and south of the island to concentrate on other fields such as nanoscience, optoelectronics, and biotechnology. These parks are the result of a number of carefully crafted government policies and incentives dealing with taxes, real estate, and fundamental research. In the area of technology transfer, the Taiwan government helped set up the world famous Industrial Technology Research Institute (ITRI) which has over 5,000 scientists working to spin out laboratory ideas across the ''valley of death'' into new industries. Remarkably, the two chip foundry companies which now control 70 percent of the world's foundry market were launched from ITRI. As a result of this rapid economic growth, Taiwan's technical universities are now world class with their own excellent graduate programs. The reason they are side-by-side with these large science parks is to supply a steady stream of talented researchers.

Recently, our National Academy of Sciences noted in its report, ''International Graduate Students and Postdoctoral Scholars,'' that Taiwan's domestic economic growth has led to fewer Taiwanese students applying to U.S. graduate schools. For the past two decades, Taiwan's students were the core supply of talent in our innovative science and engineering graduate school programs. Of equal concern, the successful Taiwanese scholars who attended graduate school in the United States 20 or 30 years ago are now returning home and giving back their

professional wisdom to advance on their birth country's high-technology leadership.

This same story holds true for India. My visit there this January yielded similar observations on their rapidly developing high technology sector. Since 1990, India has invested in the development of software and technology parks and currently has over 40 spread throughout the country. These parks were responsible for much of the high technology development in software and biotechnology. Indeed, multinational companies such as Intel, Microsoft and GE have built large research centers there to tap into the intellectual power educated at the Indian Institutes of Technology and the Indian Institute of Science. GE's Jack Welch R&D Center in Bangalore has 2,300 Ph.D.'s conducting research in all aspects of their product lines. India's GE center now directs their plastics plant in Indiana on how to operate more efficiently in real time over the internet. Intel's research center has 2,000 product engineers designing the chips Americans will use in our computers and home entertainment centers next holiday season. The chips designed at Intel's Bangalore center are fabricated at their plant in Albuquerque. The tables have turned rather dramatically. We used to design the chips here and then they were manufactured overseas.

When I visited Infosys, one of India's largest software companies, I was advised that in 2004 they received 1.2 million on-line employment applications, gave a standardized test to 300,000 job seekers interviewed 30,000, and then hired 10,000. They expect to repeat this same process again this year, which illustrates the deep pool of well trained talent that India has available. A number of the India's leading biotech entrepreneurs I visited with told me they weren't so much afraid of losing talent to the U.S. as they were to Singapore, with its burgeoning government investments in biotechnology.

Similar to Taiwan, the National Academy report also documents a rapid drop in Indian student applications to U.S. graduate schools. India's rapidly developing economy encourages the best and brightest students to stay home and study in India rather than consider U.S. graduate schools. For the past 20 years, we have relied on this influx of the cream of the academic crop I from India and Taiwan to form the high-tech startup companies of Silicon Valley.

The stark question before us—whether it involves India, Taiwan, China, or Singapore is: are we missing the bigger picture? By the time we realize we have a problem in innovation and our investments in science and engineering investments, will it be too late? Will these Pacific Rim countries have climbed past us up the value chain, and will they be able to produce equally innovative high technology product at far cheaper costs?

The bill I am introducing today, may be small, but the consequences are enormous. This measure proposes to authorize a capability in the office of the Science Advisor to the Secretary of State to conduct assessments of the science and technology capabilities in other countries such as India, China and Taiwan.

The director of this office will report to the Secretary of State's Science Advisor. The office will to the maximum extent possible utilize firms that can conduct science and technology assessments in the country of interest to minimize and augment the federal staff. That is why I have proposed giving the office generous contracting authorities with respect to soliciting contracts and disbursing funds so that it may move quickly to gather information on certain topics so that we as a nation are not caught by surprise by an advance in a high technology area.

Additionally, this legislation authorizes a Foreign Science and Technology Assessment Panel whose purpose is to look over the horizon and choose topics and technologies to assess, as well as to evaluate the timeliness and quality of the reports generated. These reports are to be publicly available, benefiting not only our government by ensuring the nation's leadership in science and engineering, but also our private sector, especially those high technology firms that must successfully compete in a fierce global market. The panel members, to be selected by the Secretary of State in consultation with the Director of the Office of Science and Technology Policy, will be distinguished leaders who have expert knowledge about our competitors' capabilities in science and technology.

High technology moves at a rapid rate, and every sign I picked up from my science and technology trips to China, India, Taiwan and Japan indicates to me that our government seems to be asleep at the switch here at home with regard to understanding how quickly these countries are moving up the value chain from simple manufacturing to sustained efforts in science and engineering that matches if not exceeds us in the innovation cycle. This bill, while a small step forward, will serve to ensure that we constantly assess where other countries are in that value chain and to make sure we are doing everything possible to maintain our leadership in fields of high technology.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1211

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 ''Foreign Science and Technology Assessment Act of 2005''.

SEC. 2. OFFICE OF FOREIGN SCIENCE AND TECHNOLOGY ASSESSMENT.

(a) ESTABLISHMENT.—There is established within the Department of State an Office of Foreign Science and Technology Assessment.

(b) DIRECTOR.—The head of the Office shall be a Director, who shall be the Science Advisor to the Secretary of State.

(c) PURPOSE.—The purpose of the Office shall be to assess foreign science and technologies that have the capability to cause a loss of high technology industrial leadership in the United States.

(d) OPERATION.—In preparing an assessment of science and technology for a foreign country, the Director shall utilize, to the extent feasible, United States entities capable of operating effectively within such foreign country.

(e) AVAILABILITY OF ASSESSMENTS.—The Director shall make each assessment of foreign science and technology prepared by the Office available to the public in a timely manner.

(f) AUTHORITIES.—In order to gain access to technical knowledge, skills, and expertise necessary to prepare an assessment of foreign science and technology, the Secretary of State may utilize individuals and enter into contracts or other arrangements to acquire needed expertise with any agency or instrumentality of the United States, with any State, territory, possession, or any political subdivision thereof, or with any person, firm, association, corporation, or educational institution, with or without reimbursement, and without regard to section 3709 of the Revised Statutes (41 U.S.C. 5) or section 3324 of title 31, United States Code.

SEC. 3. FOREIGN SCIENCE AND TECHNOLOGY ASSESSMENT PANEL.

(a) ESTABLISHMENT.—The Secretary of State shall establish a Foreign Science and Technology Assessment Panel.

(b) PURPOSE.—The purpose of the Panel shall be to provide advice on assessments performed by the Office of Foreign Science and Technology Assessment, including review of foreign science and technology assessment reports, methodologies, subjects of study, and the means of improving the quality and timeliness of the Office.

(c) MEMBERSHIP.—The Panel shall consist of 5 members who, by reason of professional background and experience, are specially qualified to provide advice on the activities of science and technology in foreign countries as such activities apply to the United States.

(d) APPOINTMENT.—The Secretary of State, in consultation with the Director of the Office of Science and Technology Policy in the Executive Office of the President, shall appoint the panel members.

(e) TERM.—A member shall be appointed to the Panel for a term of 3 years.

(f) AUTHORITY TO ACCEPT SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Secretary of State may accept and employ voluntary and uncompensated services (except for reimbursement of travel expenses) for the purposes of the Panel. An individual providing such a voluntary and uncompensated service may not be considered a Federal employee, except for purposes of chapter 81 of title 5, United States Code, with respect to job-incurred disability and title 28, United States Code, with respect to tort claims.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

By Ms. STABENOW (for herself and Mr. LEVIN):

S. 1212. A bill to require the Commandant of the Coast Guard to convey the Coast Guard Cutter *Mackinaw*, upon its scheduled decommissioning, to the City and County of Cheboygan, Michigan, to use for purposes of a museum; to the Committee on Commerce, Science, and Transportation.

Ms. STABENOW. Mr. President, I rise today to introduce legislation that will convey the United States Coast Guard Cutter *Mackinaw* to the City and County of Cheboygan for use as a museum.

The United States Coast Guard Cutter *Mackinaw*, or the ''Big Mac'' as she is affectionately called, was commissioned on December 20, 1944. Congress commissioned her construction during World War II to keep the shipping lanes open during winter months to maintain the production of steel. The *Mackinaw* has provided 60 years of outstanding service to the communities and commercial enterprises of the Great Lakes.

The *Mackinaw* was a state of the art ice breaker ideally suited for the Great Lakes because of her shallower draft, wider beam, and longer length than the polar ice breakers that her design was based on. These attributes enable the *Mackinaw* to break a 70 foot wide channel through 4 feet of solid blue ice to accommodate the largest of the Great Lakes ore carriers. She has also plowed through a remarkable 37 feet of broken ice.

The *Mackinaw* breaks ice for 12 of the 42 weeks of the Great Lakes shipping season. Typically, the *Mackinaw* begins her ice breaking season in the first week of March in the Straights of Mackinac and works her way up through the Soo Locks, to Whitefish Bay and areas of the St. Mary's River before heading to Lake Superior. During her lifetime, the *Mackinaw* has enabled the shipping season to start sooner and last longer to enable the annual delivery of 15 tons of iron ore and other materials. Later in the year the *Mackinaw* works in the lower Lakes' areas where she serves as a buoy tender, carries fuel and supplies to light stations, serves as a training ship, and assists vessels in distress when necessary.

The *Mackinaw* has been stationed in Cheboygan since she began operations in the end of December 1944. She will serve through the winter of 2005 and 2006 and then be decommissioned by the Coast Guard. The *Mackinaw* will be a great local attraction, encourage tourism, build jobs and aid the local economy.

The City of Cheboygan and the surrounding community are committed to transforming this historic landmark into a museum after she has been decommissioned. I am hopeful that she will be maintained for the public for years to come. While her age has made her expensive to maintain, the *Mackinaw* can still teach our children and visitors of Michigan's Great Lakes heritage.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1212

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

SECTION 1. CONVEYANCE OF DECOMMISSIONED COAST GUARD CUTTER MACKINAW.

(a) IN GENERAL.—Upon the scheduled decommissioning of the Coast Guard Cutter MACKINAW, the Commandant of the Coast Guard shall convey all right, title, and interest of the United States in and to that vessel to the City and County of Cheboygan, Michigan, without consideration, if—

(1) the recipient agrees—

(A) to use the vessel for purposes of a museum;

(B) not to use the vessel for commercial transportation purposes;

(C) to make the vessel available to the United States Government if needed for use by the Commandant in time of war or a national emergency; and

(D) to hold the Government harmless for any claims arising from exposure to hazardous materials, including asbestos and polychlorinated biphenyls (PCBs), after conveyance of the vessel, except for claims arising from the use by the Government under subparagraph (C);

(2) the recipient has funds available that will be committed to operate and maintain the vessel conveyed in good working condition, in the form of cash, liquid assets, or a written loan commitment, and in an amount of at least $700,000; and

(3) the recipient agrees to any other conditions the Commandant considers appropriate.

(b) MAINTENANCE AND DELIVERY OF VESSEL.—Prior to conveyance of the vessel under this section, the Commandant shall, to the extent practical, and subject to other Coast Guard mission requirements, make every effort to maintain the integrity of the vessel and its equipment until the time of delivery. If a conveyance is made under this section, the Commandant shall deliver the vessel at the place where the vessel is located, in its present condition, and without cost to the Government. The conveyance of the vessel under this section shall not be considered a distribution in commerce for purposes of section 6(e) of Public Law 94–469 (15 U.S.C. 2605(e)).

(c) OTHER EXCESS EQUIPMENT.—The Commandant may convey to the recipient any excess equipment or parts from other decommissioned Coast Guard vessels for use to enhance the vessel's operability and function for purposes of a museum.

By Ms. STABENOW (for herself and Mr. SMITH):

S. 1213. A bill to amend the Internal Revenue Code of 1986 to allow a refundable credit against income tax for the purchase of a principal residence by a first-time homebuyer; to the Committee on Finance.

Ms. STABENOW. Mr. President, I believe ''home'' is one of the warmest words in the English language. At the end of a long day, I think the favorite phrase of every hardworking man and woman in this country is: ''Well, I'll see you tomorrow. I'm going home now.''

And, that is why I rise today to introduce the First Time Homebuyers' Tax Credit Act of 2005.

The bill I am introducing will spread that warmth by opening the door to homeownership to millions of hardworking families, helping them cover the initial down payment and closing costs.

This initiative is in keeping with our longstanding national policy of encouraging homeownership.

Owning a home has always been a fundamental part of the American dream.

We, in Congress, have long recognized the social and economic value in high rates of homeownership through laws that we have enacted, such as the mortgage interest tax deduction and the capital gains exclusion on the sale of a home.

Over the life of a loan, the mortgage interest tax deduction can save homeowners thousands of dollars that they could use for other necessary family expenses such as education or health care.

These benefits, however, are only available to individuals who own their own home.

It is important also to note that owning a home is a principle and reliable source of savings as homeowners build equity over the years and their homes appreciate.

For many people, it is home equity—not stocks—that help them through the retirement years.

In addition, owning a home insulates people from spikes in housing costs.

Indeed, while rents may go up, the costs of a fixed monthly mortgage payment, in relative terms, will go down over the course of the mortgage.

Clearly, one of the biggest barriers to homeownership for working families is the cost of a down payment and the costs associated with closing a mortgage.

According to the Mortgage Bankers Association, typical closing costs on an average sized loan of $200,000 can approach approximately $6,000.

Even with mortgage products that allow a down payment of 3 percent of the value of a home, total costs can quickly approach $9,000.

This is an impossible amount to save for those who are working hard to make ends meet. The problem is only getting worse as home values climb faster than families can save for a down payment.

To address this problem, I am introducing the First Time Homebuyers' Tax Credit Act of 2005.

My bill authorizes a one-time tax credit of up to $3,000 for individuals and $6,000 for married couples.

This credit is similar to the existing mortgage interest tax deduction in that it creates incentives for people to buy a home.

To be eligible for the credit, taxpayers must be first-time homebuyers who were within the 25 percent bracket or lower in the year before they purchase their home. That is $71,950 for single filers, $102,800 for heads of household, and $119,950 for joint returns. There is a dollar-for-dollar phase-out beyond the cap.

Normally, tax credits like this are an after-the-fact benefit. They do little to get people actually into a home.

What is particularly innovative and beneficial about the tax credit in this bill, however, is that, for the first time, the taxpayer can either claim the credit in the year after he or she buys a first home or the taxpayer can transfer the credit directly to a lender at closing.

The transferred credit would go toward helping with the down payment or closing costs. This is cash at the table.

As mandated in the bill, the eligible homebuyer would have the money for the lender from the Treasury within 30 days of application.

I am happy to say that this legislation has had strong support. When this bill was first introduced in 2003 it garnered the support of: The American Bankers Association, America's Community Bankers, the Housing Partnership Network, the National Housing Conference, the National Congress for Community Economic Development, the National Council of La Raza, the National Association of Affordable Housing Lenders, the Manufactured Housing Institute, Fannie Mae, Freddie Mac, National Community Reinvestment Coalition, Standard Federal Bank, Habitat for Humanity, and, the National American Indian Housing Council.

Clearly, the breadth and diversity of support is strong for this legislation.

This is a bold and aggressive effort to reach out to a large number of working families to help them get into this first home.

The Joint Committee on Taxation has estimated that more than fifteen million working people would get into their first home over the next seven years because of this new tax credit.

We are working to send a message to people all over the country that if you are working hard to save up enough to get into that first home, the Federal government will make a strategic investment in your family—it will offer a hand up.

This is not unlike what we already do through the mortgage interest tax deduction for millions of people who are fortunate enough to already own their own home.

We certainly won't do all the hard work for you. You must be frugal and save and do most of the work yourself, but we, in Congress, understand that it is good for America to enhance homeownership.

We also understand that this sort of investment in working families stimulates the economy.

No one can deny that when the First Time Homebuyers' Tax Credit is enacted and used by millions of people, every single time the credit is used, it will be stimulative. Why?

Because it means someone bought a house. And that generates economic activity for multiple small business people. House appraisers and Inspectors. Realtors. Lenders. Title insurers. And so on. And there is a ripple of economic activity by the new homeowners as they fix up their new homes and get settled in.

Housing has been such a bright light in the sluggish economy we've faced for the last several years. My bill is designed to ensure that the housing sector remains a strong component of our economy.

Finally, let me close by emphasizing how happy and proud I am that this tax legislation is bipartisan. In a closely divided Senate, and a closely divided Congress, it is so important to work across the aisle and Senator SMITH, who is a real champion for good housing policy, is someone I want to work closely with on this bill and other important housing legislation. He understands how housing tax benefits help build strong communities and provide economic security for millions of families.

I am committed to seeing this legislation passed. And, I welcome the chance to work with all of my colleagues to see the dream of homeownership expanded to all people.

Home. Sentimentally, it is one of the warmest words in the English language. Economically, it's the key word in bringing millions of families in from the cold and letting them begin building wealth for themselves and their family.

I ask unanimous consent that the text of this legislation be printed in the RECORD.

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

S. 1213

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 ''First-Time Homebuyers' Tax Credit Act of 2005''.

SEC. 2. REFUNDABLE CREDIT FOR FIRST-TIME HOMEBUYERS.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable credits) is amended by redesignating section 36 as section 37 and by inserting after section 35 the following new section:

''SEC. 36. PURCHASE OF PRINCIPAL RESIDENCE BY FIRST-TIME HOMEBUYER.

''(a) ALLOWANCE OF CREDIT.—In the case of an individual who is a first-time homebuyer of a principal residence in the United States during any taxable year, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to 10 percent of the purchase price of the residence.

''(b) LIMITATIONS.—

''(1) MAXIMUM DOLLAR AMOUNT.—

''(A) IN GENERAL.—The credit allowed under subsection (a) shall not exceed the excess (if any) of—

''(i) $3,000 (2 times such amount in the case of a joint return), over

''(ii) the credit transfer amount determined under subsection (c) with respect to the purchase to which subsection (a) applies.

''(B) INFLATION ADJUSTMENT.—In the case of any taxable year beginning after December 31, 2005, the $3,000 amount under subparagraph (A) shall be increased by an amount equal to $3,000, multiplied by the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins by substituting '2004' for '1992' in subparagraph (B) thereof. If the $3,000 amount as adjusted under the preceding sentence is not a multiple of $10, such amount shall be rounded to the nearest multiple of $10.

''(2) TAXABLE INCOME LIMITATION.—

''(A) IN GENERAL.—If the taxable income of the taxpayer for any taxable year exceeds the maximum taxable income in the table under subsection (a), (b), (c), or (d) of section 1, whichever is applicable, to which the 25 percent rate applies, the dollar amounts in effect under paragraph (1)(A)(i) for such taxpayer for the following taxable year shall be reduced (but not below zero) by the amount of the excess.

''(B) CHANGE IN RETURN STATUS.—In the case of married individuals filing a joint return for any taxable year who did not file such a joint return for the preceding taxable year, subparagraph (A) shall be applied by reference to the highest taxable income of either such individual for the preceding taxable year.

''(c) TRANSFER OF CREDIT.—

''(1) IN GENERAL.—A taxpayer may transfer all or a portion of the credit allowable under subsection (a) to 1 or more persons as payment of any liability of the taxpayer arising out of—

''(A) the downpayment of any portion of the purchase price of the principal residence, and

''(B) closing costs in connection with the purchase (including any points or other fees incurred in financing the purchase).

''(2) CREDIT TRANSFER MECHANISM.—

''(A) IN GENERAL.—Not less than 180 days after the date of the enactment of this section, the Secretary shall establish and implement a credit transfer mechanism for purposes of paragraph (1). Such mechanism shall require the Secretary to—

''(i) certify that the taxpayer is eligible to receive the credit provided by this section with respect to the purchase of a principal residence and that the transferee is eligible to receive the credit transfer,

''(ii) certify that the taxpayer has not received the credit provided by this section with respect to the purchase of any other principal residence,

''(iii) certify the credit transfer amount which will be paid to the transferee, and

''(iv) require any transferee that directly receives the credit transfer amount from the Secretary to notify the taxpayer within 14 days of the receipt of such amount.

Any check, certificate, or voucher issued by the Secretary pursuant to this paragraph shall include the taxpayer identification number of the taxpayer and the address of the principal residence being purchased.

''(B) TIMELY RECEIPT.—The Secretary shall issue the credit transfer amount not less than 30 days after the date of the receipt of an application for a credit transfer.

''(3) PAYMENT OF INTEREST.—

''(A) IN GENERAL.—Notwithstanding any other provision of this title, the Secretary shall pay interest on any amount which is not paid to a person during the 30-day period described in paragraph (2)(B).

''(B) AMOUNT OF INTEREST.—Interest under subparagraph (A) shall be allowed and paid—

''(i) from the day after the 30-day period described in paragraph (2)(B) to the date payment is made, and

''(ii) at the overpayment rate established under section 6621.

''(C) EXCEPTION.—This paragraph shall not apply to failures to make payments as a result of any natural disaster or other circumstance beyond the control of the Secretary.

''(4) EFFECT ON LEGAL RIGHTS AND OBLIGATIONS.—Nothing in this subsection shall be construed to—

''(A) require a lender to complete a loan transaction before the credit transfer amount has been transferred to the lender, or

''(B) prevent a lender from altering the terms of a loan (including the rate, points, fees, and other costs) due to changes in market conditions or other factors during the period of time between the application by the taxpayer for a credit transfer and the receipt by the lender of the credit transfer amount.

''(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) FIRST-TIME HOMEBUYER.—

''(A) IN GENERAL.—The term 'first-time homebuyer' has the same meaning as when used in section 72(t)(8)(D)(i).

''(B) ONE-TIME ONLY.—If an individual is treated as a first-time homebuyer with respect to any principal residence, such individual may not be treated as a first-time homebuyer with respect to any other principal residence.

''(C) MARRIED INDIVIDUALS FILING JOINTLY.—In the case of married individuals who file a joint return, the credit under this section is allowable only if both individuals are first-time homebuyers.

''(D) OTHER TAXPAYERS.—If 2 or more individuals who are not married purchase a principal residence—

''(i) the credit under this section is allowable only if each of the individuals is a first-time homebuyer, and

''(ii) the amount of the credit allowed under subsection (a) shall be allocated among such individuals in such manner as the Secretary may prescribe, except that the total amount of the credits allowed to all such individuals shall not exceed the amount in effect under subsection (b)(1)(A) for individuals filing joint returns.

''(2) PRINCIPAL RESIDENCE.—The term 'principal residence' has the same meaning as when used in section 121. Except as provided in regulations, an interest in a partnership, S corporation, or trust which owns an interest in a residence shall not be treated as an interest in a residence for purposes of this paragraph.

''(3) PURCHASE.—

''(A) IN GENERAL.—The term 'purchase' means any acquisition, but only if—

''(i) the property is not acquired from a person whose relationship to the person acquiring it would result in the disallowance of losses under section 267 or 707(b) (but, in applying section 267 (b) and (c) for purposes of this section, paragraph (4) of section 267(c) shall be treated as providing that the family of an individual shall include only the individual's spouse, ancestors, and lineal descendants), and

''(ii) the basis of the property in the hands of the person acquiring it is not determined—

''(I) in whole or in part by reference to the adjusted basis of such property in the hands of the person from whom acquired, or

''(II) under section 1014(a) (relating to property acquired from a decedent).

''(B) CONSTRUCTION.—A residence which is constructed by the taxpayer shall be treated as purchased by the taxpayer.

''(4) PURCHASE PRICE.—The term 'purchase price' means the adjusted basis of the principal residence on the date of acquisition (within the meaning of section 72(t)(8)(D)(iii)).

''(e) DENIAL OF DOUBLE BENEFIT.—No credit shall be allowed under subsection (a) for any expense for which a deduction or credit is allowed under any other provision of this chapter.

''(f) BASIS ADJUSTMENT.—For purposes of this subtitle, if a credit is allowed under this section with respect to the purchase of any residence, the basis of such residence shall be reduced by the amount of the credit so allowed.

''(g) PROPERTY TO WHICH SECTION APPLIES.—

''(1) IN GENERAL.—The provisions of this section apply to a principal residence if—

''(A) the taxpayer purchases the residence on or after January 1, 2005, and before January 1, 2010, or

''(B) the taxpayer enters into, on or after January 1, 2005, and before January 1, 2010, a binding contract to purchase the residence, and purchases and occupies the residence before July 1, 2011.''.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (a) of section 1016 of the Internal Revenue Code of 1986 (relating to general rule for adjustments to basis) is amended by striking ''and'' at the end of paragraph (30), by striking the period at the end of paragraph (31) and inserting '', and'', and by adding at the end the following new paragraph:

''(32) in the case of a residence with respect to which a credit was allowed under section 36, to the extent provided in section 36(f).''.

(2) Section 1324(b)(2) of title 31, United States Code, is amended by striking ''or'' before ''enacted'' and by inserting before the period at the end '', or from section 36 of such Code''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the item relating to section 36 and inserting the following new items:

''Sec. 36. Purchase of principal residence by first-time homebuyer.

''Sec. 37. Overpayments of tax.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

Mr. SMITH. Mr. President, today I introduce important legislation to enable more Americans to realize the dream of homeownership. The First-Time Homebuyers' Tax Credit Act that Senator STABENOW and I are introducing would give a one-time tax credit that will help more Americans to become homeowners.

Homeownership brings safety and stability to families and their communities. People who own their homes have the security of knowing that they have a reliable investment, and they are protected from spikes in housing costs. Yet despite these advantages, barriers exist for many who are looking to make the leap to homeownership.

Even for families and individuals who can make monthly mortgage payments, down payment and closing costs can prove too great a burden. Based on information from the Mortgage Bankers Association, the average loan of $175,000 would incur closing costs of approximately $4,000. Combined with even a modest down-payment of as little as 3 percent of a home's value, total costs can quickly approach $9,000 or more.

To help Americans achieve the dream of private homeownership, the First-Time Homebuyer Bill would provide a tax credit of up to $3,000 to individuals and up to $6,000 for families falling within or below the 27 percent tax bracket.

The bill would allow first-time homebuyers to claim the credit on their tax return or transfer the credit directly to the lender at closing, providing an immediate benefit to potential homeowners. This credit is similar to the Washington DC Homebuyers' Tax Credit.

While Congress has enacted legislation to increase incentives for homeownership in the past, including the mortgage interest tax deduction, these benefits are available only to those who already own a home. In contrast, the First Time Homebuyer Bill will help increase homeownership among those who are working towards their first home purchase.

I thank you for the opportunity to speak today, and I urge my colleagues to support this important legislation.

By Ms. SNOWE (for himself, Mr. REID, Mr. WARNER, Mr. LEAHY, Mr. CHAFEE, Mrs. MURRAY, Mr. KENNEDY, Mr. AKAKA, Mr. DURBIN, Ms. CANTWELL, and Mr. LAUTENBERG):

S. 1214. A bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans; to the Committee on Health, Education, Labor, and Pensions.

Ms. SNOWE. Mr. President, this year well over 6 million pregnancies will occur in America. The challenge of raising healthy children and preparing them for a changing world is a staggering one indeed. This is even more so when so frequently both parents are working. So it is tragic that half of all pregnancies today are unplanned. In too many cases, this means that the necessary financial, emotional and other resources for parenting are simply not present. I think we certainly share a broad consensus that every child should be wanted, and that parents should have the resources to ensure their child's health and success.

This week we have commemorated the 40th anniversary of a landmark Supreme Court decision, that of Griswold v. Connecticut, in which the right of married couples to contraceptives and family planning counseling was recognized. Yet less than a decade ago, when we examined the state of contraceptive coverage by insurance plans, it certainly was discouraging. While many health plans included coverage for prescription drugs, nearly half did not cover even oral contraceptives. Needless to say, many other contraceptive options for women, such as the diaphragm, implants, and injectable methods were covered even less frequently. This is disturbing, as contraception is so vital to a woman's health. Most women will spend just a few years attempting to conceive, with the average woman desiring two children. That

leaves about 30 years in which women need access to safe, affordable contraceptives.

The benefits of contraception should be obvious. The maternal death rate in the U.S. is only one third what it was back in 1965 before Griswold. The same is true for infant survival. Family planning preserves a woman's health, and allows couples to ensure that they have the means to give every child the attention, support, and resources they need.

So today I am joining again with Senator REID to introduce legislation to ensure broader access to contraception—to ensure that the promise of Griswold v. Connecticut is fully realized. I thank him for his ongoing leadership on this issue. We both agree that contraception coverage is essential to reducing unwanted pregnancies and to ensuring that every couple can employ family planning. The Equity in Prescription Insurance and Contraceptive Coverage Act, which we again introduce today, will assure that for those plans which provide prescription drug coverage, contraceptive coverage is not excluded. It further ensures that contraceptive services are provided equitably with other outpatient services.

Such coverage is just what the Institute of Medicine called for back in 1995, when the Institute reported that a lack of coverage was a major contributor to unwanted pregnancy. Expanding the proportion of health plans which cover contraception is one of the Surgeon General's objectives for the Healthy People 2010 plan. We can certainly achieve that objective and ensure that in 2010, unwanted pregnancies are exceedingly rare.

Some may argue that such a mandate creates yet more costs for providers, but the evidence fails to support that notion. We have seen that for every dollar in public funds which is invested in family planning, three dollars is saved in Medicaid costs for pregnancy-related health care and medical care for newborns. Indeed after we acted in 1998 to assure coverage to women in the Federal Employees Health Benefits Program, the Office of Personnel Management concluded in 2001 that there was no cost increase due to coverage.

Many health providers have come to the same conclusion. I note that approximately 90 percent of plans now cover the leading methods of reversible contraception. So we have come a long way.

There should be no mistake—this issue boils down the principles of basic fairness—fairness for half this Nation's population, fairness in how we view and treat a woman's reproductive health versus every other kind of health care need that can be addressed with prescription drugs. The facts are not in dispute B the lack of equitable coverage of prescription contraceptives has a very real impact on the lives of America's women and, therefore, our society as a whole. This is not overstatement, this is reality.

All we are saying is that if an employer provides insurance coverage for all other prescription drugs, they must also provide coverage for FDA-approved prescription contraceptives—it is that simple, it is that fair, and it builds on existing law and jurisprudence.

The approach we are taking today has already been endorsed by a total of 29 States—including my home State of Maine—that have passed similar laws since 1998. This is real progress but this piecemeal approach to fairness leaves many American women at the mercy of geography when it comes to the coverage they deserve.

But fairness is not the only issue. We believe that EPICC not only makes sense in terms of the cost of contraceptives for women, but also as a means bridging the pro-choice pro-life chasm by helping prevent unintended pregnancies and thereby also preventing abortions. The fact of the matter is, we know that there are over three million unintended pregnancies every year in the United States. We also know that almost half of those pregnancies result from women who do not use contraceptives. Most of the other half involved inconsistent or incorrect use of contraceptives—and in many of these cases, the women would benefit from counseling or provision of a contraceptive which is more appropriate to their circumstances.

Surveys consistently demonstrate that almost nine out of ten Americans support contraception access and over 75 percent support laws requiring health insurance plans to cover methods of contraception such as birth control pills.

The question before us is, if EPICC-style coverage is good enough for 9 million Federal employees and their dependents, if it is good enough for every Member of Congress and every Senator, why is not it good enough for the American people?

Women should have control over their reproductive health. It is the best interests of their overall health, their children and their future children's health—and when we have fewer unintended pregnancies, we will reduce the number of abortions. We need to finally fix this inequity in prescription drug coverage and make certain that all American women have access to this most basic health need. I thank all of those who have supported us in this effort, and call upon each of my colleagues to join us to ensure that more couples have access to family planning to reduce unwanted pregnancies, and to assure the health and security of American families.

Mr. REID. Mr. President, this week marks the fortieth anniversary of the U.S. Supreme Court decision in Griswold v. Connecticut that struck down a Connecticut law that had made the use of birth control by married couples illegal. This decision laid the groundwork for widespread access to birth control for all American women.

In the 40 years since this landmark decision, increased access to birth control has contributed to a dramatic improvement in maternal and infant health and has drastically reduced the infant death rate in our country.

In spite of these advances, we still have a long way to go. The United States has among the highest rates of unintended pregnancies of all industrialized nations. Half of all pregnancies in the United States are unintended, and nearly half of those end in abortion.

Making contraception more accessible and affordable is one crucial step toward reducing unintended pregnancies, reducing abortions and improving women's health.

We cannot allow the pendulum to swing backwards. That is why Senator SNOWE and I are reintroducing the Equity in Prescription and Contraception Coverage Act of 2005, EPICC. Over the last 8 years, Senator SNOWE and I have joined together to advance this important legislation.

The EPICC legislation is also a critical component of the Prevention First Act, S. 20. This legislation includes a number of provisions that will improve women's health, reduce the rate of unintended pregnancy and reduce abortions.

The legislation we are introducing today proves we can find not only common ground, but also a commonsense solution to these important challenges.

By making sure women can afford their prescription contraceptives, our bill will help to reduce the staggering rates of unintended pregnancy in the United States, and reduce abortions.

It is a national tragedy that half of all pregnancies nationwide are unintended, and that half of those will end in abortions. It is a tragedy, but it doesn't have to be. If we work together, we can prevent these unintended pregnancies and abortions.

One of the most important steps we can take to prevent unintended pregnancies, and to reduce abortions, is to make sure American women have access to affordable, effective contraception.

There are a number of safe and effective contraceptives available by prescription. Used properly, they greatly reduce the rate of unintended pregnancies.

However, many women simply can't afford these prescriptions, and their insurance doesn't pay for them, even though it covers other prescriptions.

This is not fair. We know women on average earn less than men, yet they must pay far more than men for health-related expenses.

According to the Women's Research and Education Institute, women of reproductive age pay 68 percent more in out-of-pocket medical expenses than men, largely due to their reproductive health-care needs.

Because many women can't afford the prescription contraceptives they would like to use, many do without

them, and the result, all too often, is unintended pregnancy and abortion.

This isn't an isolated problem. The fact is, a majority of women in this country are covered by health insurance plans that do not provide coverage for prescription contraceptives

This is unfair to women. It is bad policy that causes additional unintended pregnancies, and adversely affects women's health.

Senator SNOWE and I first introduced our legislation in 1997. Since then, the Viagra pill went on the market, and one month later it was covered by most insurance policies.

Birth control pills have been on the market since 1960, and today, 45 years later, they are covered by only one-third of health insurance policies.

So, today we find ourselves in the inexplicable situation where most insurance policies pay for Viagra, but not for prescription contraceptives that prevent unintentional pregnancies and abortions.

This isn't fair, and it isn't even cost-effective, because most insurance policies do cover sterilization and abortion procedures. In other words, they won't pay for the pills that could prevent an abortion, but they will pay for the procedure itself, which is much more costly.

The Federal Employee Health Benefits Program, which has provided contraceptive coverage for several years, shows that adding such coverage does not make the plan more expensive.

In December 2000, the U.S. Equal Employment Opportunity Commission, EEOC ruled that an employer's failure to include insurance coverage for prescription contraceptives, when other prescription drugs and devices are covered, constitutes unlawful sex discrimination under Title VII of the Civil Rights Act of 1964.

On June 12, 2001, a Federal district court in Seattle made the same finding in the case of Erickson vs. Bartell Drug Company.

These decisions confirm what we have known all along: contraceptive coverage is a matter of equity and fairness for women.

We are not asking for special treatment of contraceptives, only equitable treatment within the context of an existing prescription drug benefit.

This legislation is right because it is fair to women.

It is right because it is more cost-effective than other services, including abortions, sterilizations and tubal ligations, costly procedures that most insurance companies routinely cover.

And it is right because it will prevent unintended pregnancies and reduce abortions, goals we all share.

This is common sense, common-ground legislation, and it is long overdue.

By Mr. GREGG (for himself, Ms. MIKULSKI, Mr. SARBANES, Mr. BIDEN, Mr. CORZINE, Ms. SNOWE, Mr. REED, Ms. CANTWELL, Mrs. MURRAY, Mr. COCHRAN, Mr. KERRY, Mr. INOUYE, and Mrs. FEINSTEIN):

S. 1215. A bill to authorize the acquisition of interests in underdeveloped coastal areas in order better to ensure their protection from development; to the Committee on Commerce, Science, and Transportation.

Mr. GREGG. Mr. President, I rise today along with Senator MIKULSKI to introduce the Coastal and Estuarine Land Protection Act. We are introducing this much needed coastal protection act along with Senators SARBANES, BIDEN, CORZINE, SNOWE, REED, CANTWELL, MURRAY, COCHRAN, KERRY, WYDEN, and INOUYE. In addition, this legislation is supported by the Trust for Public Land, Coastal States Organization, International Association of Fish and Wildlife Agencies, Association of National Estuary Programs, the Land Trust Alliance, Society for the Protection of New Hampshire Forests, The Conservation Fund, NH Audubon, Restore America's Estuaries, and National Estuarine Research Reserve Association.

The Coastal and Estuarine Land Protection Act promotes coordinated land acquisition and protection efforts in coastal and estuarine areas by fostering partnerships between non-governmental organizations and Federal, State, and local governments. As clearly outlined by the U.S. Commission of Ocean Policy, these efforts are urgently needed. With Americans rapidly moving to the coast, pressures to develop critical coastal ecosystems are increasing. There are fewer and fewer undeveloped and pristine areas left in the Nation's coastal and estuarine watersheds. These areas provide important nursery habitat for two-thirds of the Nation's commercial fish and shellfish, provide nesting and foraging habitat for coastal birds, harbor significant natural plant communities, and serve to facilitate coastal flood control and pollutant filtration.

The Coastal and Estuarine Land Protection Act pairs willing sellers through community-based initiatives with sources of Federal funds to enhance environmental protection. Lands can be acquired in full or through easements, and none of the lands purchased through this program would be held by the Federal Government. This bill puts land conservation initiatives in the hands of State and local communities. This new program, authorized through the National Oceanic and Atmospheric Administration at $60,000,000 per year, would provide Federal matching funds to States with approved coastal management programs or to National Estuarine Research Reserves through a competitive grant process. Federal matching funds may not exceed 75 percent of the cost of a project under this program, and non-Federal sources may count in-kind support toward their portion of the cost share.

This coastal land protection program provides much need support for local coastal conservation initiatives throughout the country. For instance, I have worked hard to secure significant funds for the Great Bay estuary in New Hampshire. This estuary is the jewel of the seacoast region, and is home to a wide variety of plants and animal species that are particularly threatened by encroaching development and environmental pollutants. By working with local communities to purchase lands or easements on these valuable parcels of land, New Hampshire has been able to successfully conserve the natural and scenic heritage of this vital estuary.

Programs such as the Coastal and Estuarine Land Protection program will further enable other States to participate in these community-based conservation efforts in coastal areas. This program was modeled after the U.S. Department of Agriculture's successful Forest Legacy Program, which has conserved millions of acres of productive and ecologically significant forest land around the county.

I welcome the opportunity to offer this important legislation, with my good friend from Maryland, Senator MIKULSKI. I am thankful for her leadership on this issue, and look forward to working with her to make the vision for this legislation a reality, and to successfully conserve our coastal lands for their ecological, historical, recreational, and aesthetic values.

By Mr. CORZINE:

S. 1216. A bill to require financial institutions and financial service providers to notify customers of the unauthorized use of personal financial information, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. CORZINE. Mr. President, identity theft is a serious and growing concern facing our Nation's consumers. According to the Federal Trade Commission, nearly 10 million Americans were the victims of identity theft in 2003, three times the number of victims just 3 years earlier. Research shows that there are more than 13 identity thefts every minute.

According to the Identity Theft Resource Center, identity theft victims spend on average nearly 600 hours recovering from the crime. Additional research indicates the costs of lost wages and income as a result of the crime can soar as high as $16,000 per incident. No one wants to suffer this kind of hardship.

Events this week have further served to highlight how serious the problem has become. The announcement by Citigroup that a box of computer tapes containing information on 3.9 million customers was lost by United Parcel Service in my own State of New Jersey while in transit to a credit reporting agency is the latest in a line of recent, high profile incidents. In fact, I myself was a victim of a similar recent loss of computer tapes by Bank of America.

In both of these cases, Citigroup and Bank of America acted responsibly and

notified possible victims in a prompt and timely manner. But this is not always the case.

At the very least, consumers deserve to be made aware when their personal information has been compromised. Right now, they must hope that the laws of a few individual States, such as California, apply to their case, or that victimized institutions will act responsibly on their own.

The legislation I am introducing today, the Financial Privacy Breach Notification Act of 2005, would protect consumers by requiring prompt notification by any financial institution or affiliated data broker in all cases, subject, of course, to the concerns of law enforcement agencies. It would also require automatic inclusion of fraud alerts in victim's credit files to minimize the damage done.

Notification by itself won't solve everything, but it is an important first step that requires immediate attention. I intend to introduce more comprehensive legislation in the very near future to further protect consumers against the growing threat of identity theft, but requiring notification in a uniform fashion is an important and urgently needed first step.

It is imperative that we take action to combat the growing threat of identity theft. This crime harms individuals and families, and drags down our economy in the form of lost productivity and capital. We can do more and we must do more.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1216

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 ''Financial Privacy Breach Notification Act of 2005''.

SEC. 2. TIMELY NOTIFICATION OF UNAUTHORIZED ACCESS TO PERSONAL FINANCIAL INFORMATION.

Subtitle B of title V of the Gramm-Leach-Bliley Act (15 U.S.C. 6821 et seq.) is amended—

(1) by redesignating sections 526 and 527 as sections 528 and 529, respectively; and

(2) by inserting after section 525 the following:

''SEC. 526. NOTIFICATION TO CUSTOMERS OF UNAUTHORIZED ACCESS TO PERSONAL FINANCIAL INFORMATION.

''(a) DEFINITIONS.—In this section:

''(1) BREACH.—The term 'breach'—

''(A) means the unauthorized acquisition, or loss, of computerized data or paper records which compromises the security, confidentiality, or integrity of personal financial information maintained by or on behalf of a financial institution; and

''(B) does not include a good faith acquisition of personal financial information by an employee or agent of a financial institution for a business purpose of the institution, if the personal financial information is not subject to further unauthorized disclosure.

''(2) PERSONAL FINANCIAL INFORMATION.—The term 'personal financial information' means the last name of an individual in combination with any 1 or more of the following data elements, when either the name or the data elements are not encrypted:

''(A) Social security number.

''(B) Driver's license number or State identification number.

''(C) Account number, credit or debit card number, in combination with any required security code, access code, or password that would permit access to the financial account of an individual.

''(b) NOTIFICATION TO CUSTOMERS RELATING TO UNAUTHORIZED ACCESS OF PERSONAL FINANCIAL INFORMATION.—

''(1) FINANCIAL INSTITUTION REQUIREMENT.—In any case in which there has been a breach of personal financial information at a financial institution, or such a breach is reasonably believed to have occurred, the financial institution shall promptly notify—

''(A) each customer affected by the violation or suspected violation;

''(B) each consumer reporting agency described in section 603(p) of the Fair Credit Reporting Act (15 U.S.C. 1681a); and

''(C) appropriate law enforcement agencies, in any case in which the financial institution has reason to believe that the breach or suspected breach affects a large number of customers, including as described in subsection (e)(1)(C), subject to regulations of the Federal Trade Commission.

''(2) OTHER ENTITIES.—For purposes of paragraph (1), any person that maintains personal financial information for or on behalf of a financial institution shall promptly notify the financial institution of any case in which such customer information has been, or is reasonably believed to have been, breached.

''(c) TIMELINESS OF NOTIFICATION.—Notification required by this section shall be made—

''(1) promptly and without unreasonable delay, upon discovery of the breach or suspected breach; and

''(2) consistent with—

''(A) the legitimate needs of law enforcement, as provided in subsection (d); and

''(B) any measures necessary to determine the scope of the breach or restore the reasonable integrity of the information security system of the financial institution.

''(d) DELAYS FOR LAW ENFORCEMENT PURPOSES.—Notification required by this section may be delayed if a law enforcement agency determines that the notification would impede a criminal investigation, and in any such case, notification shall be made promptly after the law enforcement agency determines that it would not compromise the investigation.

''(e) FORM OF NOTICE.—Notification required by this section may be provided—

''(1) to a customer—

''(A) in written notification;

''(B) in electronic form, if the notice provided is consistent with the provisions regarding electronic records and signatures set forth in section 101 of the Electronic Signatures in Global and National Commerce Act (15 U.S.C. 7001);

''(C) if the Federal Trade Commission determines that the number of all customers affected by, or the cost of providing notifications relating to, a single breach or suspected breach would make other forms of notification prohibitive, or in any case in which the financial institution certifies in writing to the Federal Trade Commission that it does not have sufficient customer contact information to comply with other forms of notification, in the form of—

''(i) an e-mail notice, if the financial institution has access to an e-mail address for the affected customer that it has reason to believe is accurate;

''(ii) a conspicuous posting on the Internet website of the financial institution, if the financial institution maintains such a website; or

''(iii) notification through the media that a breach of personal financial information has occurred or is suspected that compromises the security, confidentiality, or integrity of customer information of the financial institution; or

''(D) in such other form as the Federal Trade Commission may by rule prescribe; and

''(2) to consumer reporting agencies and law enforcement agencies (where appropriate), in such form as the Federal Trade Commission may prescribe, by rule.

''(f) CONTENT OF NOTIFICATION.—Each notification to a customer under subsection (b) shall include—

''(1) a statement that—

''(A) credit reporting agencies have been notified of the relevant breach or suspected breach; and

''(B) the credit report and file of the customer will contain a fraud alert to make creditors aware of the breach or suspected breach, and to inform creditors that the express authorization of the customer is required for any new issuance or extension of credit (in accordance with section 605(g) of the Fair Credit Reporting Act); and

''(2) such other information as the Federal Trade Commission determines is appropriate.

''(g) COMPLIANCE.—Notwithstanding subsection (e), a financial institution shall be deemed to be in compliance with this section, if—

''(1) the financial institution has established a comprehensive information security program that is consistent with the standards prescribed by the appropriate regulatory body under section 501(b);

''(2) the financial institution notifies affected customers and consumer reporting agencies in accordance with its own internal information security policies in the event of a breach or suspected breach of personal financial information; and

''(3) such internal security policies incorporate notification procedures that are consistent with the requirements of this section and the rules of the Federal Trade Commission under this section.

''(h) CIVIL PENALTIES.—

''(1) DAMAGES.—Any customer injured by a violation of this section may institute a civil action to recover damages arising from that violation.

''(2) INJUNCTIONS.—Actions of a financial institution in violation or potential violation of this section may be enjoined.

''(3) CUMULATIVE EFFECT.—The rights and remedies available under this section are in addition to any other rights and remedies available under applicable law.

''(i) RULES OF CONSTRUCTION.—

''(1) IN GENERAL.—Compliance with this section by a financial institution shall not be construed to be a violation of any provision of subtitle (A), or any other provision of Federal or State law prohibiting the disclosure of financial information to third parties.

''(2) LIMITATION.—Except as specifically provided in this section, nothing in this section requires or authorizes a financial institution to disclose information that it is otherwise prohibited from disclosing under subtitle A or any other provision of Federal or State law.

''(j) ENFORCEMENT.—The Federal Trade Commission is authorized to enforce compliance with this section, including the assessment of fines for violations of subsection (b)(1).''.

SEC. 3. EFFECTIVE DATE.

This Act shall take effect on the expiration of the date which is 6 months after the date of enactment of this Act.

By Mr. BINGAMAN (for himself, Mr. DEWINE, Mr. CORZINE, Mr. DURBIN, Mr. SCHUMER, Mr. JOHNSON, Ms. CANTWELL, Mr. LAUTENBERG, Ms. STABENOW, Mr. KENNEDY, Mrs. CLINTON, Mr. KERRY, Ms. MIKULSKI, Mr. AKAKA, Mr. SALAZAR, and Mr. SARBANES):

S. 1217. A bill to amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today to introduce bipartisan legislation entitled ''Ending the Medicare Disability Waiting Period Act of 2005'' with Senators DEWINE, CORZINE, DURBIN, SCHUMER, JOHNSON, CANTWELL, LAUTENBERG, STABENOW, KENNEDY, CLINTON, KERRY, MIKULSKI, AKAKA, SALAZAR, and SARBANES. This legislation would phase-out the current 2-year waiting period that people with disabilities must endure after qualifying for Social Security Disability Insurance (SSDI). In the interim or as the waiting period is being phased out, the bill would also create a process by which the Secretary can immediately waive the waiting period for people with life-threatening illnesses.

When Medicare was expanded in 1972 to include people with significant disabilities, lawmakers created the 24-month waiting period. According to a July 2003 report from the Commonwealth Fund, it is estimated that over 1.2 million SSDI beneficiaries are in the Medicare waiting period at any given time, ''all of whom are unable to work because of their disability and most of whom have serious health problems, low incomes, and limited access to health insurance.''

The stated reason at the time was to limit the fiscal cost of the provision. However, I would assert that there is no reason, be it fiscal or moral, to tell people that they must wait longer than 2 years after becoming severely disabled before we provide them access to much needed health care.

In fact, it is important to note that there really are actually three waiting periods that are imposed upon people seeking to qualify for SSDI. First, there is the disability determination process through the Social Security Administration, which often takes many months or even longer than a year in some cases. Second, once a worker has been certified as having a severe or permanent disability, they must wait an additional 5 months before receiving their first SSDI check. And third, after receiving that first SSDI check, there is the 2-year period that people must wait before their Medicare coverage begins.

What happens to the health and well-being of people waiting more than 2½ years before they finally receive critically needed Medicare coverage? According to Karen Davis, president of the Commonwealth Fund, which has conducted 2 important studies on the issue, ''Individuals in the waiting period for Medicare suffer from a broad range of debilitating diseases and are in urgent need of appropriate medical care to manage their conditions. Eliminating the 2-year wait would ensure access to care for those already on the way to Medicare.''

Again, we are talking about individuals that have been determined to be unable to engage in any ''substantial, gainful activity'' because of either a physical or mental impairment that is expected to result in death or to continue for at least 12 months. These are people that, by definition, are in more need of health coverage than anybody else in our society. Of the 1.2 million people stuck in the 2-year waiting period at any given time, it is estimated that one-third, or 400,000, are left completely uninsured. The consequences are unacceptable and are, in fact, dire.

In fact, various studies show that death rates among SSDI recipients are highest during the first 2 years of enrollment while waiting to be covered by Medicare. For example, the Commonwealth Fund report, entitled ''Elimination of Medicare's Waiting Period for Seriously Disabled Adults: Impact on Coverage and Costs,'' 4 percent of these people die during the waiting period. In other words, it is estimated that of the estimated 400,000 uninsured disabled Americans in the waiting period at any given time, 16,000 of them will die awaiting Medicare coverage. Let me repeat . . . 16,000 of the 400,000 uninsured disabled in the waiting period at any given moment will die while waiting for Medicare coverage to begin.

Moreover, this does not factor in the serious health problems that others experience while waiting for Medicare coverage during the 2-year period. Although there is no direct data on the profile of SSDI beneficiaries in the 2-year waiting period, the Commonwealth Fund has undertaken a separate analysis of the Medicare Current Beneficiary Survey for 1998 to get a good sense of the demographic characteristics, income, and health conditions of this group.

According to the analysis, ''. . . 45 percent of nonelderly Medicare beneficiaries with disabilities had incomes below the Federal poverty line, and 77 percent had incomes below 200 percent of poverty. Fifth-nine percent reported that they were in fair or poor health; of this group, more than 90 percent reported that they suffered from one or more chronic illnesses, including arthritis (52 percent), hypertension (46 percent), mental disorder (36 percent), heart condition (35 percent), chronic lung disease (26 percent), cancer (20 percent), diabetes (19 percent), and stroke (12 percent).''

To ascertain the impact the waiting period has on the lives of these citizens, the Commonwealth Fund and the Christopher Reeve Paralysis Foundation conducted a follow-up to ''gain insight into the experiences of people with disabilities under age 65 in the Medicare 2-year waiting period.'' According to that second report entitled ''Waiting for Medicare: Experiences of Uninsured People with Disabilities in the Two-Year Waiting Period for Medicare'' in October 2004, ''Most of these individuals must invariably get by with some combination of living one day at a time, assertiveness, faith, and sheer luck.''

One person in the waiting period with a spinal cord injury from Atlanta, Georgia, seeking medical treatment for their condition was told to simply ''try not to get sick for 2 years.'' As the individual said in response, ''None of us TRIED to become disabled.''

The people that we have spoken to in the waiting period, since the introduction of this legislation last year, talk about foregoing critically needed medical treatment, stopping medications and therapy, feeling dismayed and depressed about their lives and future, and feeling a loss of control over their lives and independence while in the waiting period.

These testimonials and appeals in support of this legislation are often emotional and intense. Some describe the waiting period as a ''living nightmare'' and appropriately ask how it is possible that their government is doing this to them.

In fact, some have had the unfortunate fate of having received SSI and Medicaid coverage, applied for SSDI, and then lost their Medicaid coverage because they were not aware that the change in income, when they received SSDI, would push them over the financial limits for Medicaid. In such a case, and let me emphasize this point, the government is effectively taking their health care coverage away because they are so severely disabled.

Therefore, for some in the waiting period, their battle is often as much with the government as it is with their medical condition, disease, or disability.

Nobody could possible think this makes any sense.

House Ways and Means Chairman BILL THOMAS questioned the rationale of the waiting period in a press conference on April 29, 2005.

As the Medicare Rights Center has said, ''By forcing Americans with disabilities to wait 24 months for Medicare coverage, the current law effectively sentences these people to inadequate health care, poverty, or death . . . Since disability can strike anyone, at any point in life, the 24-month waiting period should be of concern to everyone, not just the millions of Americans with disabilities today.''

Although elimination of the Medicare waiting period will certainly increase Medicare costs, it is important

to note that there will be some corresponding decrease in Medicaid costs. Medicaid, which is financed by both Federal and State governments, often provides coverage for a subset of disabled Americans in the waiting period, as long as they meet certain income and asset limits. Income limits are typically at or below the poverty level, including at just 74 percent of the poverty line in New Mexico, with assets generally limited to just $2,000 for individuals and $3,000 for couples.

The Commonwealth Fund estimates that, of the 1.26 million people in the waiting period, 40 percent are enrolled in Medicaid. As a result, the Commonwealth Fund estimates in the study that Federal Medicaid savings would offset nearly 30 percent of the increased costs. Furthermore, States, which have been struggling financially with their Medicaid programs, would reap a windfall that would help them better manage their Medicaid programs.

Furthermore, from a continuity of care point of view, it makes little sense that somebody with disabilities must leave their job and their health providers associated with that plan, move on the Medicaid to often have a different set of providers, to then switch to Medicare and yet another set of providers. The cost, both financial and personal, of not providing access to care or poorly coordinated care services for these seriously ill people during the waiting period may be greater in many cases than providing health coverage.

And finally, private-sector employers and employees in those risk-pools would also benefit from the passage of the bill. As the 2003 report notes, ''. . . to the extent that disabled adults rely on coverage through their prior employer or their spouse's employer, eliminating the waiting period would also produce savings to employers who provide this coverage.''

To address concerns about costs and immediate impact on the Medicare program, the legislation phases out the waiting period over a 10-year period. In the interim, the legislation would create a process by which others with life-threatening illnesses could also get an exception to the waiting period. Congress has previously extended such an exception to the waiting period for individuals with amyothrophic lateral sclerosis (ALS), also known as Lou Gehrig's disease, and for hospice services. The ALS exception passed the Congress in December 2000 and went into effect July 1, 2001. Thus, the legislation would extend the exception to all people with life-threatening illnesses in the waiting period.

I would like to thank Senator DEWINE and the other original cosponsors, including Senators CORZINE, DURBIN, SCHUMER, JOHNSON, CANTWELL, LAUTENBERG, STABENOW, KENNEDY, CLINTON, KERRY, MIKULSKI, AKAKA, SALAZAR, and SARBANES, for supporting this critically important legislation. Furthermore, I would like to commend Representative GENE GREEN of Texas for his introduction of the companion bill in the House of Representatives and for his work, diligence, and commitment to this issue.

I urge passage of this legislation and ask unanimous consent that a fact sheet, which includes a list of original supporting organizations for the legislation, and the text of the bill be printed in the RECORD.

There being no objection, the materials were ordered to be printed in the RECORD as follows:

FACT SHEET

ENDING THE MEDICARE DISABILITY WAITING PERIOD ACT OF 2005

Senators Jeff Bingaman (D–NM) and Mike DeWine (R–OH) are preparing to introduce the ''Medicare Disability Waiting Period Act of 2005.'' The bill would, over 10 years, completely phase-out the two-year waiting period which Americans with disabilities must endure before receiving Medicare coverage. The legislation also creates a process by which the Secretary can immediately waive the waiting period for people with life-threatening illnesses.

When Medicare was expanded in 1972 to include people who have significant disabilities, lawmakers created a ''Medicare waiting period.'' Before they can get Medicare coverage, people with disabilities must first receive Social Security Disability Insurance (SSDI) for 24 months. Generally, SSDI begins five months after an individual's disability has been certified. As a result, people with disabilities face three consecutive waiting periods prior to getting health coverage: (1) a determination of SSDI approval from the Social Security Administration; (2) a five-month waiting period to receive SSDI; and, (3) another 24-month waiting period to get Medicare coverage.

Because of the 24-month Medicare waiting period, an estimated 400,000 Americans with disabilities are uninsured and many more are underinsured at a time in their lives when the need for health coverage is most dire, Dale and Verdier, The Commonwealth Fund, July 2003. In fact, various studies show that death rates among SSDI recipients are highest during the first two years of enrollment, Mauney, AMA, June 2002. For example, according to the Commonwealth Fund, 4 percent of these people die during the waiting period.

There is an important exception to the 24-month waiting period and that is for individuals with amyothrophic lateral sclerosis (ALS), also known as Lou Gehrig's disease, and for hospice services. The ALS exception passed the Congress in December 2000 and went into effect July 1, 2001.

''Ending the Medicare Waiting Period Act of 2005'' would, over 10 years, phase-out the waiting period and would also, in the interim, create a process by which others with life-threatening illnesses, like ALS, could also get an exception to the waiting period.

As the Medicare Rights Center has said, ''By forcing Americans with disabilities to wait 24 months for Medicare coverage, the current law effectively sentences these people to inadequate health care, poverty or death. . . . Since disability can strike anyone, at any point in life, the 24-month waiting period should be of concern to everyone, not just the millions of Americans with disabilities today.''

If you have any questions or need additional information, please contact Bruce Lesley in Senator BINGAMAN's office at 202–224–5521 or Abby Kral in Senator DEWINE's office at 202–224–7900.

SUPPORTING ORGANIZATIONS

Acid Maltase Deficiency Association
AIDS Foundation of Chicago
The AIDS Institute
AIDS Project Los Angeles
Air Compassion America
Alzheimer's Association
American Academy of Audiology
American Academy of HIV Medicine
American Congress of Rehabilitation Medicine (ACRM)
American Congress of Community Supports and Employment Services (ACCSES)
American Dance Therapy Association
American Gastroenterological Association
American Network of Community Options and Resources
American Occupational Therapy Association
American Psychological Association
Angel Flight Mid-Atlantic
The Arc of the United States
Association for Community Affiliated Plans
Association of University Centers on Disabilities (AUCD)
Benign Essential Blepharospasm Research Foundation
Brian Tumor Action Network
California Health Advocates
Center for Medicare Advocacy, Inc.
Coalition for Pulmonary Fibrosis
Community Action New Mexico
Disability Service Providers of America (DSPA)
Empowering Our Communities in New Mexico
Families USA
Family Voices
Gay Men's Health Crisis
Harm Reduction Coalition
Hereditary Hemorrhagic Telangiectasia (HHT) Foundation International
HIV Medicine Association
HIVictorious, Inc., Madison, WI
Medicare Rights Center
Mercy Medical Airlift
Miami, ACT UP
National Alliance for the Mentally Ill (NAMI)
National Alliance of State and Territorial AIDS Directors (NASTAD)
National Association of Children's Behavioral Health
National Association of Councils on Developmental Disabilities (NACDD)
National Association of Protection and Advocacy Systems (NAPAS)
National Ataxia Foundation
National Health Law Program (NHeLP)
National Kidney Foundation
National Mental Health Association
National Minority AIDS Council
National Organization for Rare Disorders (NORD)
National Patient Advocacy Foundation
National Women's Law Center
New Mexico AIDS Services
New Mexico Medical Society
New Mexico POZ Coalition
New Mexico Public Health Association
North American Brain Tumor Coalition
Paralyzed Veterans of America
Power Mobility Coalition
Reflex Sympathetic Dystrophy Syndrome Association of America
Senior Citizens Law Office, New Mexico
Southern New Hampshire HIV/AIDS Task Force
Special Olympics
The Title II Community AIDS National Network
United Cerebral Palsy
United Spinal Association
Utah AIDS Foundation
Visiting Nurse Associations of America
Von Hippel-Lindau Family Alliance

S. 1217

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Ending the Medicare Disability Waiting Period Act of 2005''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Phase-out of waiting period for medicare disability benefits.
Sec. 3. Elimination of waiting period for individuals with life-threatening conditions.
Sec. 4. Institute of Medicine study and report on delay and prevention of disability conditions.

SEC. 2. PHASE-OUT OF WAITING PERIOD FOR MEDICARE DISABILITY BENEFITS.

(a) IN GENERAL.—Section 226(b) of the Social Security Act (42 U.S.C. 426(b)) is amended—

(1) in paragraph (2)(A), by striking '', and has for 24 calendar months been entitled to,'' and inserting '', and for the waiting period (as defined in subsection (k)) has been entitled to,'';

(2) in paragraph (2)(B), by striking '', and has been for not less than 24 months,'' and inserting '', and has been for the waiting period (as defined in subsection (k)),'';

(3) in paragraph (2)(C)(ii), by striking '', including the requirement that he has been entitled to the specified benefits for 24 months,'' and inserting '', including the requirement that the individual has been entitled to the specified benefits for the waiting period (as defined in subsection (k)),''; and

(4) in the flush matter following paragraph (2)(C)(ii)(II)—

(A) in the first sentence, by striking ''for each month beginning with the later of (I) July 1973 or (II) the twenty-fifth month of his entitlement or status as a qualified railroad retirement beneficiary described in paragraph (2), and'' and inserting ''for each month beginning after the waiting period (as so defined) for which the individual satisfies paragraph (2) and'';

(B) in the second sentence, by striking ''the 'twenty-fifth month of his entitlement' refers to the first month after the twenty-fourth month of entitlement to specified benefits referred to in paragraph (2)(C) and''; and

(C) in the third sentence, by striking '', but not in excess of 78 such months''.

(b) SCHEDULE FOR PHASE-OUT OF WAITING PERIOD.—Section 226 of the Social Security Act (42 U.S.C. 426) is amended by adding at the end the following new subsection:

''(k) For purposes of subsection (b) (and for purposes of section 1837(g)(1) of this Act and section 7(d)(2)(ii) of the Railroad Retirement Act of 1974), the term 'waiting period' means—

''(1) for 2006, 18 months;
''(2) for 2007, 16 months;
''(3) for 2008, 14 months;
''(4) for 2009, 12 months;
''(5) for 2010, 10 months;
''(6) for 2011, 8 months;
''(7) for 2012, 6 months;
''(8) for 2013, 4 months;
''(9) for 2014, 2 months; and
''(10) for 2015 and each subsequent year, 0 months.''.

(c) CONFORMING AMENDMENTS.—

(1) SUNSET.—Effective January 1, 2015, subsection (f) of section 226 of the Social Security Act (42 U.S.C. 426) is repealed.

(2) MEDICARE DESCRIPTION.—Section 1811(2) of such Act (42 U.S.C. 1395c(2)) is amended by striking ''entitled for not less than 24 months'' and inserting ''entitled for the waiting period (as defined in section 226(k))''.

(3) MEDICARE COVERAGE.—Section 1837(g)(1) of such Act (42 U.S.C. 1395p(g)(1)) is amended by striking ''of the later of (A) April 1973 or (B) the third month before the 25th month of such entitlement'' and inserting ''of the third month before the first month following the waiting period (as defined in section 226(k)) applicable under section 226(b)''.

(4) RAILROAD RETIREMENT SYSTEM.—Section 7(d)(2)(ii) of the Railroad Retirement Act of 1974 (45 U.S.C. 231f(d)(2)(ii)) is amended—

(A) by striking '', for not less than 24 months'' and inserting '', for the waiting period (as defined in section 226(k) of the Social Security Act); and

(B) by striking ''could have been entitled for 24 calendar months, and'' and inserting ''could have been entitled for the waiting period (as defined is section 226(k) of the Social Security Act), and''.

(d) EFFECTIVE DATE.—Except as provided in subsection (c)(1), the amendments made by this section shall apply to insurance benefits under title XVIII of the Social Security Act with respect to items and services furnished in months beginning at least 90 days after the date of the enactment of this Act (but in no case earlier than January 1, 2006).

SEC. 3. ELIMINATION OF WAITING PERIOD FOR INDIVIDUALS WITH LIFE-THREATENING CONDITIONS.

(a) IN GENERAL.—Section 226(h) of the Social Security Act (42 U.S.C. 426(h)) is amended—

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(2) in the matter preceding subparagraph (A) (as redesignated by paragraph (1)), by inserting ''(1)'' after ''(h)'';

(3) in paragraph (1) (as designated by paragraph (2))—

(A) in the matter preceding subparagraph (A) (as redesignated by paragraph (1)), by inserting ''or any other life-threatening condition identified by the Secretary'' after ''amyotrophic lateral sclerosis (ALS)''; and

(4) in subparagraph (B) (as redesignated by paragraph (1)), by striking ''(rather than twenty-fifth month)''; and

(5) by adding at the end the following new paragraph:

''(2) For purposes of identifying life-threatening conditions under paragraph (1), the Secretary shall compile a list of conditions that are fatal without medical treatment. In compiling such list, the Secretary shall consult with the Director of the National Institutes of Health (including the Office of Rare Diseases), the Director of the Centers for Disease Control and Prevention, the Director of the National Science Foundation, and the Institute of Medicine of the National Academy of Sciences.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to insurance benefits under title XVIII of the Social Security Act with respect to items and services furnished in months beginning at least 90 days after the date of the enactment of this Act (but in no case earlier than January 1, 2006).

SEC. 4. INSTITUTE OF MEDICINE STUDY AND REPORT ON DELAY AND PREVENTION OF DISABILITY CONDITIONS.

(a) STUDY.—The Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall request that the Institute of Medicine of the National Academy of Sciences conduct a study on the range of disability conditions that can be delayed or prevented if individuals receive access to health care services and coverage before the condition reaches disability levels.

(b) REPORT.—Not later than the date that is 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report containing the results of the Institute of Medicine study authorized under this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $750,000 for the period of fiscal years 2006 and 2007.

By Mr. KENNEDY (for himself and Mr. DURBIN):

S. 1218. A bill to amend the Elementary and Secondary Education Act of 1965, the Higher Education Act of 1965, and the Internal Revenue Code of 1986 to improve recruitment, preparation, distribution, and retention of public elementary and secondary school teachers and principals, and for other purposes; to the Committee on Finance.

Mr. KENNEDY. Mr. President, it is a privilege to join my distinguished colleague, Senator DURBIN, in introducing the Teacher Excellence for All Children Act of 2005. Its goal is to bring us closer to giving every child a highly qualified teacher, and enable more teachers to obtain the support they need to improve their instruction. We join our distinguished colleague Congressman GEORGE MILLER in this effort, who is introducing this legislation in the House, and commend him for his leadership on the issue.

One of the major challenges we face today is to improve the recruitment, preparation, and retention of good teachers. Few issues are of greater importance to our future than education. The Nation is strongest when our schools are strongest—when all students can attend good schools with good teachers to help them learn. In this new era of globalization, a well-educated citizenry and well-skilled workforce are essential to our role in the world.

We owe a great debt to America's teachers. They work day in and day out to give children a decent education. Teachers are on the front lines in the Nation's schools, and at the forefront of the constant effort to improve public education. It is their vision, energy, hard work, and dedication that will make all the difference in successfully meeting this challenge.

We took a major step forward in the No Child Left Behind Act and its recognition that all students deserve first-rate teachers to help them reach their potential and succeed in life. This act made a bold national commitment to guarantee a highly qualified teacher in every classroom. But to reach that goal, we need to recruit, train, retain and support our teachers. The TEACH Act addresses four specific challenges head on: to increase the supply of outstanding teachers; to ensure all children have teachers with expertise in the subjects they teach; to improve teaching by identifying and rewarding the best practices and expanding professional development opportunities; and to help schools retain teachers and principals by providing the support they need to succeed.

Since enrollment in public schools has reached an all-time high of 53 million students, and is expected to keep

increasing over the next decade, additional highly qualified teachers are needed to meet the growing demand.

Many schools face a teacher crisis, particularly in our poorest communities. Currently, there are approximately 3 million public school teachers across the country. Two million new, qualified teachers will be needed in the next 10 years to serve the growing student population. Yet we are not even retaining the teachers we have today. A third of all teachers leave during their first 3 years, and almost half leave during the first 5 years.

Too often, teachers also lack the training and support needed to do well in the classroom. They are paid on average almost $8,000 less than graduates in other fields, and the gap widens to more than $23,000 after 15 years of teaching. Thirty-seven percent of teachers cite low salaries as a main factor for leaving the classroom before retirement.

The TEACH Act will do more to recruit and retain highly qualified teachers—particularly in schools and subjects where they are needed the most. The bill provides financial incentives to encourage talented persons to enter and remain in the profession and it offers higher salaries, tax breaks, and greater loan forgiveness.

To attract motivated and talented individuals to teaching, the bill provides up-front tuition assistance—$4,000 per year—to high-performing undergraduate students who agree to commit to teach for 4 years in high-need areas and in subjects such as math, science, and special education.

One of our greatest challenges in school reform today is to equalize the playing field, so that the neediest students have access to the best teachers to help them succeed. Research shows that good teachers are the single most important factor in the success of children in school, both academically and developmentally. Children with good instruction can reach new heights through the hard work, vision, and energy of their teachers. Good teaching helps overcome the harmful effects of poverty and other disadvantages on student learning.

Unfortunately, we still have a long way to go. In high-poverty schools, teacher turnover is 33 percent higher than in other schools. In the poorest middle schools and high schools, students are 77 percent more likely to be assigned an out-of-field teacher. Almost a third of classes are taught by teachers with no background in the subject—no major degree, no minor degree, no certification.

Despite our past efforts, this problem is worsening. In most academic subjects, the percentage of secondary school teachers ''out-of-field''—those teaching a class in which they do not have a major, a minor, or a certification—increased from 1993 to 2000. Clearly, we must do a better job of attracting better teachers to the neediest classrooms and do more to reward their efforts so that they stay in the classroom.

Because schools compete for the best teachers, the bill provides funding to school districts to reward teachers who transfer to schools with the greatest challenges, and provides incentives for teachers working in math, science, and special education.

The TEACH Act also establishes a framework to develop and use the systems needed at the State and local levels to identify and improve teacher effectiveness and recognize exceptional teaching in the classroom. States will develop data systems to track student progress and relate it to the level of instruction provided in the classroom. The bill also encourages the development of model teacher advancement programs with competitive compensation structures that recognize and reward different roles, responsibilities, knowledge, skills and positive results.

Too often, teachers lack the training they need before reaching the classroom. On the job, they have few sources of support to meet the challenges they face in the classroom, and few opportunities for ongoing professional development to expand their skills. The bill responds to the needs of teachers in their first years in the classroom by creating new and innovative teacher induction models that use proven strategies to support beginning teachers. New teachers will have access to mentoring, opportunities for cooperative planning with their peers, and a special transition year to ease into the pressures of entering the classroom. Veteran teachers will have an opportunity to improve their skills through peer mentoring and review. Other support includes professional development delivered through teaching centers to improve training and working conditions for teachers.

Since good leadership is also essential for schools, the bill provides important incentives and support for principals by raising standards and improving recruitment and training for them as well.

This legislation was developed with the help of a broad and diverse group of educational professionals and experts, including the Alliance for Excellent Education, the American Federation of Teachers, the Business Roundtable, the Center for American Progress Action Fund, the Children's Defense Fund, the Education Trust, the National Council on Teacher Quality, the National Council of La Raza, the National Education Association, New Leaders for New Schools, the New Teacher Center, Operation Public Education, the Teacher Advancement Program Foundation, Teach for America and the Teaching Commission. I thank them for their help and their work on behalf of our Nation's children.

As Shirley Mount Hufstedler, the first United States Secretary of Education, has said:

The role of the teacher remains the highest calling of a free people. To the teacher, America entrusts her most precious resource, her children; and asks that they be prepared, in all their glorious diversity, to face the rigors of individual participation in a democratic society.

We must do all in our power to help them in this endeavor.

I urge my colleagues to join in supporting this bill and I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1218

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 ''Teacher Excellence for All Children Act of 2005''.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Findings.

TITLE I—RECRUITING TALENTED NEW TEACHERS

Sec. 101. Amendments to Higher Education Act of 1965.
Sec. 102. Extending and expanding teacher loan forgiveness.

TITLE II—CLOSING THE TEACHER DISTRIBUTION GAP

Sec. 201. Grants to local educational agencies to provide premium pay to teachers in high-need schools.

TITLE III—IMPROVING TEACHER PREPARATION

Sec. 301. Amendment to Elementary and Secondary Education Act of 1965.
Sec. 302. Amendment to the Higher Education Act of 1965: Teacher Quality Enhancement Grants.
Sec. 303. Enforcing NCLB's teacher equity provision.

TITLE IV—EQUIPPING TEACHERS, SCHOOLS, LOCAL EDUCATIONAL AGENCIES, AND STATES WITH THE 21ST CENTURY DATA, TOOLS, AND ASSESSMENTS THEY NEED

Sec. 401. 21st Century Data, Tools, and Assessments.
Sec. 402. Collecting national data on distribution of teachers.

TITLE V—RETENTION: KEEPING OUR BEST TEACHERS IN THE CLASSROOM

Sec. 501. Amendment to Elementary and Secondary Education Act of 1965.
Sec. 502. Exclusion from gross income of compensation of teachers and principals in certain high-need schools or teaching high-need subjects.
Sec. 503. Above-the-line deduction for certain expenses of elementary and secondary school teachers increased and made permanent.

TITLE VI—MISCELLANEOUS PROVISIONS

Sec. 601. Conforming amendments.

SEC. 3. FINDINGS.

The Congress finds as follows:

(1) There are not enough qualified teachers in the Nation's classrooms, and an unprecedented number of teachers will retire over the next 5 years. Over the next decade, the Nation will need to bring 2,000,000 new teachers into public schools.

(2) Too many teachers and principals do not receive adequate preparation for their jobs.

(3) More than one-third of children in grades 7–12 are taught by a teacher who lacks both a college major and certification in the subject being taught. Rates of ''out-of-field teaching'' are especially high in high-poverty schools.

(4) Seventy percent of mathematics classes in high-poverty middle schools are assigned to teachers without even a minor in mathematics or a related field.

(5) Teacher turnover is a serious problem, particularly in urban and rural areas. Over one-third of new teachers leave the profession within their first 3 years of teaching, and 14 percent of new teachers leave the field within the first year. After 5 years—the average time it takes for teachers to maximize students' learning—half of all new teachers will have exited the profession. Rates of teacher attrition are highest in high-poverty schools. Between 2000 and 2001, 1 out of 5 teachers in the Nation's high-poverty schools either left to teach in another school or dropped out of teaching altogether.

(6) Fourth graders who are poor score dramatically lower on the National Assessment of Educational Progress (NAEP) than their counterparts who are not poor. Over 85 percent of fourth graders who are poor failed to attain NAEP proficiency standards in 2003.

(7) African-American, Latino, and low-income students are much less likely than other students to have highly-qualified teachers.

(8) Research shows that individual teachers have a great impact on how well their students learn. The most effective teachers have been shown to be able to boost their pupils' learning by a full grade level relative to students taught by less effective teachers.

(9) Although nearly half (42 percent) of all teachers hold a master's degree, fewer than 1 in 4 secondary teachers have a master's degree in the subject they teach.

(10) Young people with high SAT and ACT scores are much less likely to choose teaching as a career. Those who have higher SAT or ACT scores are twice as likely to leave the profession after only a few years.

(11) Only 16 States finance new teacher induction programs, and fewer still require inductees to be matched with mentors who teach the same subject.

TITLE I—RECRUITING TALENTED NEW TEACHERS

SEC. 101. AMENDMENTS TO HIGHER EDUCATION ACT OF 1965.

(a) TEACH GRANTS.—Title II of the Higher Education Act of 1965 (20 U.S.C. 1021 et seq.) is amended by adding at the end the following new part:

"PART C—TEACH GRANTS

"SEC. 231. PURPOSES.

''The purposes of this part are—

''(1) to improve student academic achievement;

''(2) to help recruit and prepare teachers to meet the national demand for a highly qualified teacher in every classroom; and

''(3) to increase opportunities for Americans of all educational, ethnic, class, and geographic backgrounds to become highly qualified teachers.

"SEC. 232. PROGRAM ESTABLISHED.

''(a) PROGRAM AUTHORITY.—

''(1) PAYMENTS REQUIRED.—For each of the fiscal years 2006 through 2013, the Secretary shall pay to each eligible institution such sums as may be necessary to pay to each eligible student (defined in accordance with section 484) who files an application and agreement in accordance with section 233, and qualifies under subsection (a)(2) of such section, a TEACH Grant in the amount of $4,000 for each academic year during which that student is in attendance at an institution of higher education.

''(2) REFERENCE.—Grants made under this part shall be known as 'Teacher Education Assistance for College and Higher Education Grants' or 'TEACH Grants'.

''(b) PAYMENT METHODOLOGY.—

''(1) PREPAYMENT.—Not less than 85 percent of such sums shall be advanced to eligible institutions prior to the start of each payment period and shall be based upon an amount requested by the institution as needed to pay eligible students until such time as the Secretary determines and publishes in the Federal Register with an opportunity for comment, an alternative payment system that provides payments to institutions in an accurate and timely manner, except that this sentence shall not be construed to limit the authority of the Secretary to place an institution on a reimbursement system of payment.

''(2) DIRECT PAYMENT.—Nothing in this section shall be interpreted to prohibit the Secretary from paying directly to students, in advance of the beginning of the academic term, an amount for which they are eligible, in cases where the eligible institution elects not to participate in the disbursement system required by paragraph (1) .

''(3) DISTRIBUTION OF GRANTS TO STUDENTS.—Payments under this part shall be made, in accordance with regulations promulgated by the Secretary for such purpose, in such manner as will best accomplish the purposes of this part. Any disbursement allowed to be made by crediting the student's account shall be limited to tuition and fees and, in the case of institutionally owned housing, room and board. The student may elect to have the institution provide other such goods and services by crediting the student's account.

''(c) REDUCTIONS IN AMOUNT.—

''(1) PART TIME STUDENTS.—In any case where a student attends an institution of higher education on less than a full-time basis (including a student who attends an institution of higher education on less than a half-time basis) during any academic year, the amount of the TEACH Grant to which that student is eligible shall be reduced in proportion to the degree to which that student is not so attending on a full-time basis, in accordance with a schedule of reductions established by the Secretary for the purpose of this part, computed in accordance with this part. Such schedule of reductions shall be established by regulation and published in the Federal Register in accordance with section 482 of this Act.

''(2) NO EXCEEDING COST.—No TEACH Grant for a student under this part shall exceed the cost of attendance (as defined in section 472) at the institution at which such student is in attendance. If, with respect to any student, it is determined that the amount of a TEACH Grant exceeds the cost of attendance for that year, the amount of the TEACH Grant shall be reduced until the TEACH Grant does not exceed the cost of attendance at such institution.

''(d) PERIOD OF ELIGIBILITY FOR GRANTS.—

''(1) UNDERGRADUATE STUDENTS.—The period during which an undergraduate student may receive TEACH Grants shall be the period required for the completion of the first undergraduate baccalaureate course of study being pursued by that student at the institution at which the student is in attendance, except that—

''(A) any period during which the student is enrolled in a noncredit or remedial course of study, subject to paragraph (3), shall not be counted for the purpose of this paragraph; and

''(B) the total amount that a student may receive under this part for undergraduate study shall not exceed $16,000.

''(2) GRADUATE STUDENTS.—The period during which a graduate student may receive TEACH Grants shall be the period required for the completion of a master's degree course of study being pursued by that student at the institution at which the student is in attendance, except that the total amount that a student may receive under this part for graduate study shall not exceed $8,000.

''(3) REMEDIAL COURSE; STUDY ABROAD.—Nothing in this section shall exclude from eligibility courses of study that are noncredit or remedial in nature (including courses in English language acquisition) that are determined by the institution to be necessary to help the student be prepared for the pursuit of a first undergraduate baccalaureate degree or certificate or, in the case of courses in English language instruction, to be necessary to enable the student to utilize already existing knowledge, training, or skills. Nothing in this section shall exclude from eligibility programs of study abroad that are approved for credit by the home institution at which the student is enrolled.

"SEC. 233. ELIGIBILITY AND APPLICATIONS FOR GRANTS.

''(a) APPLICATIONS; DEMONSTRATION OF ELIGIBILITY.—

''(1) FILING REQUIRED.—The Secretary shall from time to time set dates by which students shall file applications for TEACH Grants under this part. Each student desiring a TEACH Grant for any year shall file an application therefore containing such information and assurances as the Secretary may deem necessary to enable the Secretary to carry out the functions and responsibilities of this part.

''(2) DEMONSTRATION OF ELIGIBILITY.—Each such application shall contain such information as is necessary to demonstrate that—

''(A) if the applicant is an enrolled student—

''(i) the student is an eligible student for purposes of section 484 (other than subsection (r) of such section);

''(ii) the student—

''(I) has a grade point average that is determined, under standards prescribed by the Secretary, to be comparable to a 3.25 average on a zero to 4.0 scale, except that, if the student is in the first year of a program of undergraduate education, such grade point average shall be determined on the basis of the student's cumulative high school grade point average; or

''(II) displayed high academic aptitude by receiving a score above the 75th percentile on at least one of the batteries in an undergraduate or graduate school admissions test; and

''(iii) the student is completing coursework and other requirements necessary to begin a career in teaching, or plans to complete such coursework and requirements prior to graduating; or

''(B) if the applicant is a current or prospective teacher applying for a grant to obtain a graduate degree—

''(i) the applicant is a teacher or a retiree from another occupation with expertise in a field in which there is a shortage of teachers, such as mathematics, science, special education, English language acquisition, or another high-need subject; or

''(ii) the applicant is or was a teacher who is using high-quality alternative certification routes, such as Teach for America, to get certified.

''(b) AGREEMENTS TO SERVE.—Each application under subsection (a) shall contain or be accompanied by an agreement by the applicant that—

''(1) the applicant will—

''(A) serve as a full-time teacher for a total of not less than 4 academic years within 8

years after completing the course of study for which the applicant received a TEACH Grant under this part;

''(B) teach—

''(i) in a school described in section 465(a)(2)(A); and

''(ii) in any of the following fields: mathematics, science, a foreign language, bilingual education, or special education, or as a reading specialist, or another field documented as high-need by the Federal Government, State government, or local education agency and submitted to the Secretary;

''(C) submit evidence of such employment in the form of a certification by the chief administrative officer of the school upon completion of each year of such service; and

''(D) comply with the requirements for being a highly qualified teacher as defined in section 9101 of the Elementary and Secondary Education Act of 1965; and

''(2) in the event that the applicant is determined to have failed or refused to carry out such service obligation, the sum of the amounts of such Teach Grants will be treated as a loan and collected from the applicant in accordance with subsection (c) and the regulations thereunder.

''(c) REPAYMENT FOR FAILURE TO COMPLETE SERVICE.—In the event that any recipient of a TEACH Grant fails or refuses to comply with the service obligation in the agreement under subsection (b), the sum of the amounts of such Grants provided to such recipient shall be treated as a Direct Loan under part D of title IV, and shall be subject to repayment in accordance with terms and conditions specified by the Secretary in regulations promulgated to carry out this part.''.

(b) RECRUITING TEACHERS WITH MATHEMATICS, SCIENCE, OR LANGUAGE MAJOR.—Title II of the Higher Education Act of 1965 (20 U.S.C. 1021 et seq.), as amended by subsection (a), is further amended by adding at the end the following:

''PART D—RECRUITING TEACHERS WITH MATHEMATICS, SCIENCE, OR LANGUAGE MAJORS

''SEC. 241. PROGRAM AUTHORIZED.

''(a) GRANTS AUTHORIZED.—From the amounts appropriated under section 242, the Secretary shall make competitive grants to institutions of higher education to improve the availability and recruitment of teachers from among students majoring in mathematics, science, foreign languages, special education, or teaching the English language to students with limited English proficiency. In making such grants, the Secretary shall give priority to programs that focus on preparing teachers in subjects in which there is a shortage of highly qualified teachers and that prepare students to teach in high-need schools.

''(b) APPLICATION.—Any institution of higher education desiring to obtain a grant under this part shall submit to the Secretary an application at such time, in such form, and containing such information and assurances as the Secretary may require, which shall—

''(1) include reporting on baseline production of teachers with expertise in mathematics, science, a foreign language, or teaching English language learners; and

''(2) establish a goal and timeline for increasing the number of such teachers who are prepared by the institution.

''(c) USE OF FUNDS.—Funds made available by a grant under this part—

''(1) shall be used to create new recruitment incentives to teaching from other majors, with an emphasis on high-need subjects such as mathematics, science, foreign languages, and teaching the English language to students with limited English proficiency;

''(2) may be used to upgrade curriculum in order to provide all students studying to become teachers with high-quality instructional strategies for teaching reading and teaching the English language to students with limited English proficiency, and for modifying instruction to teach students with special needs;

''(3) may be used to integrate school of education faculty with other arts and science faculty in mathematics, science, foreign languages, and teaching the English language to students with limited English proficiency through steps such as—

''(A) dual appointments for faculty between schools of education and schools of arts and science; and

''(B) integrating coursework with clinical experience; and

''(4) may be used to develop strategic plans between schools of education and local school districts to better prepare teachers for high-need schools, including the creation of professional development partnerships for training new teachers in state-of-the-art practice.

''SEC. 242. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to make grants under this part $200,000,000 for fiscal year 2006 and such sums as may be necessary for each of the 5 succeeding fiscal years.''.

(c) PART A AUTHORIZATION.—Section 210 of the Higher Education Act of 1965 (20 U.S.C. 1030) is amended—

(1) by striking ''$300,000,000 for fiscal year 1999'' and inserting ''$400,000,000 for fiscal year 2006''; and

(2) by striking ''4 succeeding'' and inserting ''5 succeeding''.

SEC. 102. EXTENDING AND EXPANDING TEACHER LOAN FORGIVENESS.

(a) PERMANENT EXTENSION.—Section 3(b)(3) of the Taxpayer-Teacher Protection Act of 2004 (P.L. 108–409; 118 Stat. 2300) is amended by striking ''1998, and before October 1, 2005'' and inserting ''1998''.

(b) INCREASED AMOUNT; APPLICABILITY OF EXPANDED PROGRAM TO READING SPECIALIST.—Sections 428J(c)(3) and 460(c)(3) of the Higher Education Act of 1965 (20 U.S.C. 1078–10(c)(3), 1087j(c)(3)) are each amended—

(1) by striking ''$17,500'' and inserting ''$20,000'';

(2) by striking ''and'' at the end of subparagraph (A)(ii);

(3) by striking the period at the end of subparagraph (B)(iii) and inserting ''; and''; and

(4) by adding at the end the following new subparagraph:

''(C) an elementary or secondary school teacher who primarily teaches reading and who—

''(i) has obtained a separate reading instruction credential from the State in which the teacher is employed; and

''(ii) is certified by the chief administrative officer of the public or nonprofit private elementary school or secondary school in which the borrower is employed to teach reading—

''(I) as being proficient in teaching the essential components of reading instruction, as defined in section 1208 of the Elementary and Secondary Education Act of 1965; and

''(II) as having such credential.''.

(c) ANNUAL INCREMENTS INSTEAD OF END OF SERVICE LUMP SUMS.—

(1) FFEL LOANS.—Section 428J(c) of the Higher Education Act of 1965 (20 U.S.C. 1078–10(c)) is amended by adding at the end the following:

''(4) ANNUAL INCREMENTS.—Notwithstanding paragraph (1), in the case of an individual qualifying for loan forgiveness under paragraph (3), the Secretary shall, in lieu of waiting to assume an obligation only upon completion of 5 complete years of service, assume the obligation to repay—

''(A) after each of the first and second years of service by an individual in a position qualifying under paragraph (3), 15 percent of the total amount of principal and interest of the loans described in paragraph (1) to such individual that are outstanding immediately preceding such first year of such service;

''(B) after each of the third and fourth years of such service, 20 percent of such total amount; and

''(C) after the fifth year of such service, 30 percent of such total amount.''.

(2) DIRECT LOANS.—Section 460(c) of the Higher Education Act of 1965 (20 U.S.C. 1087j(c)) is amended by adding at the end the following:

''(4) ANNUAL INCREMENTS.—Notwithstanding paragraph (1), in the case of an individual qualifying for loan cancellation under paragraph (3), the Secretary shall, in lieu of waiting to assume an obligation only upon completion of 5 complete years of service, assume the obligation to repay—

''(A) after each of the first and second years of service by an individual in a position qualifying under paragraph (3), 15 percent of the total amount of principal and interest of the loans described in paragraph (1) to such individual that are outstanding immediately preceding such first year of such service;

''(B) after each of the third and fourth years of such service, 20 percent of such total amount; and

''(C) after the fifth year of such service, 30 percent of such total amount.''.

TITLE II—CLOSING THE TEACHER DISTRIBUTION GAP

SEC. 201. GRANTS TO LOCAL EDUCATIONAL AGENCIES TO PROVIDE PREMIUM PAY TO TEACHERS IN HIGH-NEED SCHOOLS.

Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.) is amended by adding at the end the following:

''PART E—TEACHER EXCELLENCE FOR ALL CHILDREN

''SEC. 2500. DEFINITIONS.

''In this part:

''(1) The term 'high-need local educational agency' means a local educational agency—

''(A) that serves not fewer than 10,000 children from families with incomes below the poverty line, or for which not less than 20 percent of the children served by the agency are from families with incomes below the poverty line; and

''(B) that is having or expected to have difficulty filling teacher vacancies or hiring new teachers who are highly qualified.

''(2) The term 'value-added longitudinal data system' means a longitudinal data system for determining value-added student achievement gains.

''(3) The term 'value-added student achievement gains' means student achievement gains determined by means of a system that—

''(A) is sufficiently sophisticated and valid—

''(i) to deal with the problem of students with incomplete records;

''(ii) to enable estimates to be precise and to use all the data for all students in multiple years, regardless of sparseness, in order to avoid measurement error in test scores (such as by using multivariate, longitudinal analyses); and

''(iii) to protect against inappropriate testing practices or improprieties in test administration;

''(B) includes a way to acknowledge the existence of influences on student growth, such as pull-out programs for support beyond

standard delivery of instruction, so that affected teachers do not receive an unfair advantage; and

''(C) has the capacity to assign various proportions of student growth to multiple teachers when the classroom reality, such as team teaching and departmentalized instruction, makes such type of instruction an issue.

"Subpart 1—Distribution

"SEC. 2501. PREMIUM PAY; LOAN REPAYMENT.

''(a) GRANTS.—The Secretary shall make grants to local educational agencies to provide higher salaries to exemplary, highly qualified principals and exemplary, highly qualified teachers with at least 3 years of experience, including teachers certified by the National Board for Professional Teaching Standards, if the principal or teacher agrees to serve full-time for a period of 4 consecutive school years at a public high-need elementary school or a public high-need secondary school.

''(b) USE OF FUNDS.—A local educational agency that receives a grant under this section may use funds made available through the grant—

''(1) to provide to exemplary, highly qualified principals up to $15,000 as an annual bonus for each of 4 consecutive school years if the principal commits to work full-time for such period in a public high-need elementary school or a public high-need secondary school; and

''(2) to provide to exemplary, highly qualified teachers—

''(A) up to $10,000 as an annual bonus for each of 4 consecutive school years if the teacher commits to work full-time for such period in a public high-need elementary school or a public high-need secondary school; or

''(B) up to $12,500 as an annual bonus for each of 4 consecutive school years if the teacher commits to work full-time for such period teaching a subject for which there is a documented shortage of teachers in a public high-need elementary school or a public high-need secondary school.

''(c) TIMING OF PAYMENT.—A local educational agency providing an annual bonus to a principal or teacher under subsection (b) shall pay the bonus on completion of the service requirement by the principal or teacher for the applicable year.

''(d) GRANT PERIOD.—The Secretary shall make grants under this section in yearly installments for a total period of 4 years.

''(e) OBSERVATION, FEEDBACK, AND EVALUATION.—The Secretary may make a grant to a local educational agency under this section only if the State in which the agency is located or the agency has in place or proposes a plan, developed on a collaborative basis with the local teacher organization, to develop a system in which principals and, if available, master teachers rate teachers as exemplary. Such a system shall be—

''(1) based on strong learning gains for students;

''(2) based on classroom observation and feedback at least four times annually;

''(3) conducted by multiple sources, including master teachers and principals; and

''(4) evaluated against research-validated rubrics that use planning, instructional, and learning environment standards to measure teaching performance.

''(f) APPLICATION REQUIREMENTS.—To seek a grant under this section, a local educational agency shall submit an application at such time, in such manner, and containing such information as the Secretary reasonably requires. At a minimum, the application shall include the following:

''(1) A description of the agency's proposed new teacher hiring timeline, including interim goals for any phase-in period.

''(2) An assurance that the agency will—

''(A) pay matching funds for the program carried out with the grant, which matching funds may be derived from funds received under other provisions of this title;

''(B) commit to making the program sustainable over time;

''(C) create incentives to bring a critical mass of exemplary, highly qualified teachers to each school whose teachers will receive assistance under this section;

''(D) improve the school's working conditions through activities that may include but are not limited to—

''(i) reducing class size;

''(ii) ensuring availability of classroom materials, textbooks, and other supplies;

''(iii) improving or modernizing facilities; and

''(iv) upgrading safety; and

''(E) accelerate the timeline for hiring new teachers in order to minimize the withdrawal of high-quality teacher applicants and secure the best new teacher talent for their hardest-to-staff schools.

''(3) An assurance that, in identifying exemplary teachers, the system described in paragraph (1) will take into consideration—

''(A) growth of the teacher's students on any tests required by the State educational agency;

''(B) value-added student achievement gains if such teacher is in a State that uses a value-added longitudinal data system;

''(C) National Board for Professional Teaching Standards certification; and

''(D) evidence of teaching skill documented in performance-based assessments.

''(g) HIRING HIGHLY QUALIFIED TEACHERS EARLY AND IN A TIMELY MANNER.—

''(1) IN GENERAL.—In addition to the requirements of subsection (f), an application under such subsection shall include a description of the steps the local educational agency will take to enable all or a subset of the agency's schools to hire new highly qualified teachers early and in a timely manner, including—

''(A) requiring a clear and early notification date for retiring teachers that is no later than March 15 each year;

''(B) providing schools with their staffing allocations no later than April of the preceding school year;

''(C) enabling schools to consider external candidates at the same time as internal candidates for available positions;

''(D) moving up the teacher transfer period to April and not requiring schools to hire transferring or 'excessed' teachers from other schools without selection and consent; and

''(E) establishing and implementing a new principal accountability framework to ensure that principals with increased hiring authority are improving teacher quality.

''(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded school or district employees under Federal, State, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employees and their employers.

''(h) PRIORITY.—In providing higher salaries to principals and teachers under this section, a local educational agency shall give priority to principals and teachers at schools identified under section 1116 for school improvement, corrective action, or restructuring.

''(i) DEFINITIONS.—In this section:

''(1) The term 'high-need' means, with respect to an elementary school or a secondary school, a school that serves an eligible school attendance area in which not less than 65 percent of the children are from low-income families, based on the number of children eligible for free and reduced priced lunches under the Richard B. Russell National School Lunch Act, or in which not less than 65 percent of the children enrolled are from such families.

''(2) The term 'documented shortage of teachers'—

''(A) means a shortage of teachers documented in the needs assessment submitted under section 2122 by the local educational agency involved or some other official demonstration of shortage by the local education agency; and

''(B) may include such a shortage in mathematics, science, a foreign language, special education, bilingual education, or reading.

''(3) The term 'exemplary, highly qualified principal' means a principal who—

''(A) demonstrates a belief that every student can achieve at high levels;

''(B) demonstrates an ability to drive substantial gains in academic achievement for all students while closing the achievement gap for those farthest from meeting standards;

''(C) uses data to drive instructional improvement;

''(D) provides ongoing support and development for teachers; and

''(E) builds a positive school community, treating every student with respect and reinforcing high expectations for all.

''(4) The term 'exemplary, highly qualified teacher' means a highly qualified teacher who is rated as exemplary pursuant to a system described in subsection (e).

''(j) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $2,200,000,000 for fiscal year 2006 and such sums as may be necessary for each of the 5 succeeding fiscal years.

"SEC. 2502. CAREER LADDERS FOR TEACHERS PROGRAM.

''(a) GRANTS.—The Secretary may make grants to local educational agencies to establish and implement a Career Ladders for Teachers Program in which the agency—

''(1) augments the salary of teachers in high-need elementary schools and high-need secondary schools to correspond to the increasing responsibilities and leadership roles assumed by the teachers as they take on new professional roles (such as serving on school leadership teams, serving as instructional coaches, and serving in hybrid roles), including by—

''(A) providing up to $10,000 as an annual augmentation to master teachers (including teachers serving as master teachers as part of a state-of the-art teacher induction program under section 2511); and

''(B) providing up to $5,000 as an annual augmentation to mentor teachers (including teachers serving as mentor teachers as part of a state-of-the-art teacher induction program under section 2511);

''(2) provides up to $4,000 as an annual bonus to all career teachers, master teachers, and mentor teachers in high-need elementary schools and high-need secondary schools based on a combination of—

''(A) at least 3 classroom evaluations over the course of the year that shall—

''(i) be conducted by multiple evaluators, including master teachers and the principal;

''(ii) be based on classroom observation at least 3 times annually; and

''(iii) be evaluated against research-validated benchmarks that use planning, instructional, and learning environment standards to measure teacher performance; and

''(B) the performance of the teacher's students as determined by—

''(i) student growth on any test that is required by the State educational agency or

local educational agency and is administered to the teacher's students; or

''(ii) in States or local educational agencies with value-added longitudinal data systems, whole-school value-added student achievement gains and classroom-level value-added student achievement gains; or

''(3) provides up to $4,000 as an annual bonus to principals in elementary schools and secondary schools based on the performance of the school's students, taking into consideration whole-school value-added student achievement gains in States that have value-added longitudinal data systems and in which information on whole-school value-added student achievement gains is available.

''(b) ELIGIBILITY REQUIREMENT.—A local educational agency may not use any funds under this section to establish or implement a Career Ladders for Teachers Program unless—

''(1) the percentage of teachers required by prevailing union rules votes affirmatively to adopt the program; or

''(2) in States that do not recognize collective bargaining between local educational agencies and teacher organizations, at least 75 percent of the teachers in the local educational agency vote affirmatively to adopt the program.

''(c) DEFINITIONS.—In this section:

''(1) The term 'career teacher' means a teacher who has a bachelor's degree and full credentials or alternative certification including a passing level on elementary or secondary subject matter assessments and professional knowledge assessments.

''(2) The term 'mentor teacher' means a teacher who—

''(A) has a bachelor's degree and full credentials or alternative certification including a passing level on any applicable elementary or secondary subject matter assessments and professional knowledge assessments;

''(B) has a portfolio and a classroom demonstration showing instructional excellence;

''(C) has an ability, as demonstrated by student data, to increase student achievement through utilizing specific instructional strategies;

''(D) has a minimum of 3 years of teaching experience;

''(E) is recommended by the principal and other current master and mentor teachers;

''(F) is an excellent instructor and communicator with an understanding of how to facilitate growth in the teachers the teacher is mentoring; and

''(G) performs well as a mentor in established induction and peer review and mentoring programs.

''(3) The term 'master teacher' means a teacher who—

''(A) holds a master's degree in the relevant academic discipline;

''(B) has at least 5 years of successful teaching experience, as measured by performance evaluations, a portfolio of work, or National Board for Professional Teaching Standards certification;

''(C) demonstrates expertise in content, curriculum development, student learning, test analysis, mentoring, and professional development, as demonstrated by an advanced degree, advanced training, career experience, or National Board for Professional Teaching Standards certification;

''(D) presents student data that illustrates the teacher's ability to increase student achievement through utilizing specific instructional interventions;

''(E) has instructional expertise demonstrated through model teaching, team teaching, video presentations, student achievement gains, or National Board for Professional Teaching Standards certification;

''(F) may hold a valid National Board for Professional Teaching Standards certificate, may have passed another rigorous standard, or may have been selected as a school, district, or State teacher of the year; and

''(G) is currently participating, or has previously participated, in a professional development program that supports classroom teachers as mentors.

''(4) The term 'high-need', with respect to an elementary school or a secondary school, has the meaning given to that term in section 2501.

''(d) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there is authorized to be appropriated $200,000,000 for fiscal year 2006 and such sums as may be necessary for each of the 5 succeeding fiscal years.''.

TITLE III—IMPROVING TEACHER PREPARATION

SEC. 301. AMENDMENT TO ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.

Part E of title II of the Elementary and Secondary Education Act of 1965, as added by title II of this Act, is amended by adding at the end the following:

"Subpart 2—Preparation

"SEC. 2511. ESTABLISHING STATE-OF-THE-ART TEACHER INDUCTION PROGRAMS.

''(a) GRANTS.—The Secretary may make grants to States and eligible local educational agencies for the purpose of developing state-of-the-art teacher induction programs.

''(b) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—In this section, the term 'eligible local educational agency' means—

''(1) a high-need local educational agency; or

''(2) a partnership of a high-need local educational agency and an institution of higher education, a teacher organization, or any other nonprofit education organization.

''(c) USE OF FUNDS.—A State or an eligible local educational agency that receives a grant under subsection (a) shall use the funds made available through the grant to develop a state-of the-art teacher induction program that—

''(1) provides new teachers a minimum of 3 years of extensive, high-quality, comprehensive induction into the field of teaching; and

''(2) includes—

''(A) structured mentoring from highly qualified master or mentor teachers who are certified, have teaching experience similar to the grade level or subject assignment of the new teacher, and are trained to mentor new teachers;

''(B) at least 90 minutes each week of common meeting time for a new teacher to discuss student work and teaching under the director of a master or mentor teacher;

''(C) regular classroom observation in the new teacher's classroom;

''(D) observation by the new teacher of the mentor teacher's classroom;

''(E) intensive professional development activities for new teachers that result in improved teaching leading to student achievement, including lesson demonstration by master and mentor teachers in the classroom, observation, and feedback;

''(F) training in effective instructional services and classroom management strategies for mainstream teachers serving students with disabilities and students with limited English proficiency;

''(G) observation of teachers and feedback at least 4 times each school year by multiple evaluators, including master teachers and the principals, using research-validated benchmarks of teaching skills and standards that are developed with input from teachers;

''(H) paid release time for the mentor teacher for mentoring, or salary supplements under section 2502, for mentoring new teachers at a ratio of one full-time mentor to every 12 new teachers;

''(I) a transition year to the classroom that includes a reduced workload for beginning teachers; and

''(J) a standards-based assessment of every beginning teacher to determine whether the teacher should move forward in the teaching profession, which assessment may include examination of practice and a measure of gains in student learning.

''(d) ADDITIONAL REQUIREMENT.—The Secretary shall commission an independent evaluation of state-of the-art teacher induction programs supported under this section in order to compare the design and outcome of various models of induction programs.

''(e) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there is authorized to be appropriated $300,000,000 for fiscal year 2006 and such sums as may be necessary for each of the 5 succeeding fiscal years.

"SEC. 2512. PEER MENTORING AND REVIEW PROGRAMS.

''(a) GRANTS.—The Secretary shall make grants to local educational agencies for peer mentoring and review programs.

''(b) USE OF FUNDS.—A local educational agency that receives a grant under this section shall use the funds made available through the grant to establish and implement a peer mentoring and review program. Such a program shall be established through collective bargaining agreements or, in States that do not recognize collective bargaining between local educational agencies and teacher organizations, through joint agreements between the local educational agency and affected teacher organizations.

''(c) APPLICATION.—To seek a grant under this section, a local educational agency shall submit an application at such time, in such manner, and containing such information as the Secretary may reasonably require. The Secretary shall require each such application to include the following:

''(1) Data from the applicant on recruitment and retention prior to implementing the induction program.

''(2) Measurable goals for increasing retention after the induction program is implemented.

''(3) Measures that will be used to determine whether teacher effectiveness is improved through participation in the induction program.

''(4) A plan for evaluating and reporting progress toward meeting the applicant's goals.

''(d) PROGRESS REPORTS.—The Secretary shall require each grantee under this section to submit progress reports on an annual basis.

''(e) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $50,000,000 for fiscal year 2006 and such sums as may be necessary for each of the 5 succeeding fiscal years.

"SEC. 2513. ESTABLISHING STATE-OF-THE-ART PRINCIPAL TRAINING AND INDUCTION PROGRAMS AND PERFORMANCE-BASED PRINCIPAL CERTIFICATION.

''(a) GRANTS.—The Secretary may make grants to not more than 10 States to develop, implement, and evaluate pilot programs for performance-based certification and training of exemplary, highly qualified principals who can drive gains in academic achievement for all children.

''(b) PROGRAM REQUIREMENTS.—A pilot program developed under this section—

''(1) shall pilot the development, implementation, and evaluation of a statewide performance-based system for certifying principals;

''(2) shall pilot and demonstrate the effectiveness of statewide performance-based certification through support for innovative performance-based programs on a smaller scale;

''(3) shall provide for certification of principals by institutions with strong track records, such as a local educational agency, nonprofit organization, or business school, that is approved by the State for purposes of such certification and has formalized partnerships with in-State local educational agencies;

''(4) may be used to develop, sustain, and expand model programs for recruiting and training aspiring and new principals in both instructional leadership and general management skills;

''(5) shall include evaluation of the results of the pilot program and other in-State programs of principal preparation (which evaluation may include value-added assessment scores of all children in a school and should emphasize the correlation of academic achievement gains in schools led by participating principals and the characteristics and skills demonstrated by those individuals when applying to and participating in the program) to inform the design of certification of individuals to become school leaders in the State; and

''(6) shall make possible interim certification for up to 2 years for aspiring principals participating in the pilot program who—

''(A) have not yet attained full certification;

''(B) are serving as assistant principals or principal residents, or in positions of similar responsibility; and

''(C) have met clearly defined criteria for entry into the program that are approved by the applicable local educational agency.

''(c) PRIORITY.—In selecting grant recipients under this section, the Secretary shall give priority to States that will use the grants for one or more high-need local educational agencies and schools.

''(d) TERMS OF GRANT.—A grant under this section—

''(1) shall be for not more than 5 years; and

''(2) shall be performance-based, permitting the Secretary to discontinue funding based on failure of the State to meet benchmarks identified by the State.

''(e) USE OF EVALUATION RESULTS.—A State receiving a grant under this section shall use the evaluation results of the pilot program conducted pursuant to the grant and similar evaluations of other in-State programs of principal preparation (especially the correlation of academic achievement gains in schools led by participating principals and the characteristics and skills demonstrated by those individuals when applying to and participating in the pilot program) to inform the design of certification of individuals to become school leaders in the State.

''(f) DEFINITIONS.—For the purposes of this section:

''(1) The term 'exemplary, highly qualified principal' has the meaning given to that term in section 2501.

''(2) The term 'performance-based certification system' means a certification system that—

''(A) is based on a clearly defined set of standards for skills and knowledge needed by new principals;

''(B) is not based on numbers of hours enrolled in particular courses;

''(C) certifies participating individuals to become school leaders primarily based on—

''(i) their demonstration of those skills through a formal assessment aligned to these standards; and

''(ii) academic achievement results in a school leadership role such as a residency or an assistant principalship; and

''(D) awards certification to individuals who successfully complete programs at institutions that include local educational agencies, nonprofit organizations, and business schools approved by the State for purposes of such certification and have formalized partnerships with in-State local educational agencies.

''(g) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $100,000,000 for fiscal year 2006 and such sums as may be necessary for each of the 5 succeeding fiscal years.

''SEC. 2514. STUDY ON DEVELOPING A PORTABLE PERFORMANCE-BASED TEACHER ASSESSMENT.

''(a) STUDY.—

''(1) IN GENERAL.—The Secretary shall enter into an arrangement with an objective evaluation firm to conduct a study to assess the validity of any test used for teacher certification or licensure by multiple States, taking into account the passing scores adopted by multiple States. The study shall determine the following:

''(A) The extent to which tests of content knowledge represent subject mastery at the baccalaureate level.

''(B) Whether tests of pedagogy reflect the latest research on teaching and learning.

''(C) The relationship, if any, between teachers' scores on licensure and certification exams and other measures of teacher effectiveness, including learning gains achieved by the teachers' students.

''(2) REPORT.—The Secretary shall submit a report to the Congress on the results of the study conducted under this subsection.

''(b) GRANT TO CREATE A MODEL PERFORMANCE-BASED ASSESSMENT.—

''(1) GRANT.—The Secretary may make 1 grant to an eligible partnership to create a model performance-based assessment of teaching skills that reliably evaluates teaching skills in practice and can be used to facilitate the portability of teacher credentials and licensing from one State to another.

''(2) CONSIDERATION OF STUDY.—In creating a model performance-based assessment of teaching skills, the recipient of a grant under this section shall take into consideration the results of the study conducted under subsection (a).

''(3) ELIGIBLE PARTNERSHIP.—In this section, the term 'eligible partnership' means a partnership of—

''(A) an independent professional organization; and

''(B) an organization that represents administrators of State educational agencies.''.

SEC. 302. AMENDMENT TO THE HIGHER EDUCATION ACT OF 1965: TEACHER QUALITY ENHANCEMENT GRANTS.

Part A of title II of the Higher Education Act of 1965 is amended by striking sections 206 through 209 (20 U.S.C. 1026–1029) and inserting the following:

''SEC. 206. ACCOUNTABILITY AND EVALUATION.

''(a) STATE GRANT ACCOUNTABILITY REPORT.—An eligible State that receives a grant under section 202 shall submit an annual accountability report to the Secretary, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Education and the Workforce of the House of Representatives. Such report shall include a description of the degree to which the eligible State, in using funds provided under such section, has made substantial progress in meeting the following goals:

''(1) PERCENTAGE OF HIGHLY QUALIFIED TEACHERS.—Increasing the percentage of highly qualified teachers in the State as required by section 1119 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319).

''(2) STUDENT ACADEMIC ACHIEVEMENT.—Increasing student academic achievement for all students, which may be measured through the use of value-added assessments, as defined by the eligible State.

''(3) RAISING STANDARDS.—Raising the State academic standards required to enter the teaching profession as a highly qualified teacher.

''(4) INITIAL CERTIFICATION OR LICENSURE.—Increasing success in the pass rate for initial State teacher certification or licensure, or increasing the numbers of qualified individuals being certified or licensed as teachers through alternative routes to certification and licensure.

''(5) DECREASING TEACHER SHORTAGES.—Decreasing shortages of highly qualified teachers in poor urban and rural areas.

''(6) INCREASING OPPORTUNITIES FOR RESEARCH-BASED PROFESSIONAL DEVELOPMENT.—Increasing opportunities for enhanced and ongoing professional development that—

''(A) improves the academic content knowledge of teachers in the subject areas in which the teachers are certified or licensed to teach or in which the teachers are working toward certification or licensure to teach; and

''(B) promotes strong teaching skills.

''(7) TECHNOLOGY INTEGRATION.—Increasing the number of teachers prepared effectively to integrate technology into curricula and instruction and who use technology to collect, manage, and analyze data to improve teaching, learning, and parental involvement decisionmaking for the purpose of increasing student academic achievement.

''(b) ELIGIBLE PARTNERSHIP EVALUATION.—Each eligible partnership applying for a grant under section 203 shall establish, and include in the application submitted under section 203(c), an evaluation plan that includes strong performance objectives. The plan shall include objectives and measures for—

''(1) increased student achievement for all students, as measured by the partnership;

''(2) increased teacher retention in the first 3 years of a teacher's career;

''(3) increased success in the pass rate for initial State certification or licensure of teachers;

''(4) increased percentage of highly qualified teachers; and

''(5) increasing the number of teachers trained effectively to integrate technology into curricula and instruction and who use technology to collect, manage, and analyze data to improve teaching, learning, and decisionmaking for the purpose of improving student academic achievement.

''(c) REVOCATION OF GRANT.—

''(1) REPORT.—Each eligible State or eligible partnership receiving a grant under section 202 or 203 shall report annually on the progress of the eligible State or eligible partnership toward meeting the purposes of this part and the goals, objectives, and measures described in subsections (a) and (b).

''(2) REVOCATION.—

''(A) ELIGIBLE STATES AND ELIGIBLE APPLICANTS.—If the Secretary determines that an eligible State or eligible applicant is not making substantial progress in meeting the purposes, goals, objectives, and measures, as appropriate, by the end of the second year of a grant under this part, then the grant payment shall not be made for the third year of the grant.

''(B) ELIGIBLE PARTNERSHIPS.—If the Secretary determines that an eligible partnership is not making substantial progress in meeting the purposes, goals, objectives, and measures, as appropriate, by the end of the third year of a grant under this part, then

the grant payments shall not be made for any succeeding year of the grant.

''(d) EVALUATION AND DISSEMINATION.—The Secretary shall evaluate the activities funded under this part and report annually the Secretary's findings regarding the activities to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives. The Secretary shall broadly disseminate successful practices developed by eligible States and eligible partnerships under this part, and shall broadly disseminate information regarding such practices that were found to be ineffective.

"SEC. 207. ACCOUNTABILITY FOR PROGRAMS THAT PREPARE TEACHERS.

''(a) STATE REPORT CARD ON THE QUALITY OF TEACHER AND PRINCIPAL PREPARATION.—Each State that receives funds under this Act shall provide to the Secretary annually, in a uniform and comprehensible manner that conforms with the definitions and methods established by the Secretary, a State report card on the quality of teacher preparation in the State, both for traditional certification or licensure programs and for alternative certification or licensure programs, which shall include at least the following:

''(1) A description of the teacher and principal certification and licensure assessments, and any other certification and licensure requirements, used by the State.

''(2) The standards and criteria that prospective teachers and principals must meet in order to attain initial teacher and principal certification or licensure and to be certified or licensed to teach particular subjects or in particular grades within the State.

''(3) A demonstration of the extent to which the assessments and requirements described in paragraph (1) are aligned with the State's standards and assessments for students.

''(4) The percentage of students who have completed the clinical coursework for a teacher preparation program at an institution of higher education or alternative certification program and who have taken and passed each of the assessments used by the State for teacher certification and licensure, and the passing score on each assessment that determines whether a candidate has passed that assessment.

''(5) For students who have completed the clinical coursework for a teacher preparation program at an institution of higher education or alternative certification program, and who have taken and passed each of the assessments used by the State for teacher certification and licensure, each such institution's and each such program's average raw score, ranked by teacher preparation program, which shall be made available widely and publicly.

''(6) A description of each State's alternative routes to teacher certification, if any, and the number and percentage of teachers certified through each alternative certification route who pass State teacher certification or licensure assessments.

''(7) For each State, a description of proposed criteria for assessing the performance of teacher and principal preparation programs in the State, including indicators of teacher and principal candidate skills, placement, and retention rates (to the extent feasible), and academic content knowledge and evidence of gains in student academic achievement.

''(8) For each teacher preparation program in the State, the number of students in the program, the number of minority students in the program, the average number of hours of supervised practice teaching required for those in the program, and the number of full-time equivalent faculty, adjunct faculty, and students in supervised practice teaching.

''(9) For the State as a whole, and for each teacher preparation program in the State, the number of teachers prepared, in the aggregate and reported separately by—

''(A) level (elementary or secondary);

''(B) academic major;

''(C) subject or subjects for which the student has been prepared to teach; and

''(D) teacher candidates who speak a language other than English and have been trained specifically to teach English-language learners.

''(10) The State shall refer to the data generated for paragraphs (8) and (9) to report on the extent to which teacher preparation programs are helping to address shortages of qualified teachers, by level, subject, and specialty, in the State's public schools, especially in poor urban and rural areas as required by section 206(a)(5).

''(b) REPORT OF THE SECRETARY ON THE QUALITY OF TEACHER PREPARATION.—

''(1) REPORT CARD.—The Secretary shall provide to Congress, and publish and make widely available, a report card on teacher qualifications and preparation in the United States, including all the information reported in paragraphs (1) through (10) of subsection (a). Such report shall identify States for which eligible States and eligible partnerships received a grant under this part. Such report shall be so provided, published and made available annually.

''(2) REPORT TO CONGRESS.—The Secretary shall report to Congress—

''(A) a comparison of States' efforts to improve teaching quality; and

''(B) regarding the national mean and median scores on any standardized test that is used in more than 1 State for teacher certification or licensure.

''(3) SPECIAL RULE.—In the case of programs with fewer than 10 students who have completed the clinical coursework for a teacher preparation program taking any single initial teacher certification or licensure assessment during an academic year, the Secretary shall collect and publish information with respect to an average pass rate on State certification or licensure assessments taken over a 3-year period.

''(c) COORDINATION.—The Secretary, to the extent practicable, shall coordinate the information collected and published under this part among States for individuals who took State teacher certification or licensure assessments in a State other than the State in which the individual received the individual's most recent degree.

''(d) INSTITUTION AND PROGRAM REPORT CARDS ON QUALITY OF TEACHER PREPARATION.—

''(1) REPORT CARD.—Each institution of higher education or alternative certification program that conducts a teacher preparation program that enrolls students receiving Federal assistance under this Act shall report annually to the State and the general public, in a uniform and comprehensible manner that conforms with the definitions and methods established by the Secretary, both for traditional certification or licensure programs and for alternative certification or licensure programs, the following information, disaggregated by major racial and ethnic groups:

''(A) PASS RATE.—(i) For the most recent year for which the information is available, the pass rate of each student who has completed the clinical coursework for the teacher preparation program on the teacher certification or licensure assessments of the State in which the institution is located, but only for those students who took those assessments within 3 years of receiving a degree from the institution or completing the program.

''(ii) A comparison of the institution or program's pass rate for students who have completed the clinical coursework for the teacher preparation program with the average pass rate for institutions and programs in the State.

''(iii) In the case of programs with fewer than 10 students who have completed the clinical coursework for a teacher preparation program taking any single initial teacher certification or licensure assessment during an academic year, the institution shall collect and publish information with respect to an average pass rate on State certification or licensure assessments taken over a 3-year period.

''(B) PROGRAM INFORMATION.—The number of students in the program, the average number of hours of supervised practice teaching required for those in the program, and the number of full-time equivalent faculty and students in supervised practice teaching.

''(C) STATEMENT.—In States that require approval or accreditation of teacher education programs, a statement of whether the institution's program is so approved or accredited, and by whom.

''(D) DESIGNATION AS LOW-PERFORMING.—Whether the program has been designated as low-performing by the State under section 208(a).

''(2) REQUIREMENT.—The information described in paragraph (1) shall be reported through publications such as school catalogs and promotional materials sent to potential applicants, secondary school guidance counselors, and prospective employers of the institution's program graduates, including materials sent by electronic means.

''(3) FINES.—In addition to the actions authorized in section 487(c), the Secretary may impose a fine not to exceed $25,000 on an institution of higher education for failure to provide the information described in this subsection in a timely or accurate manner.

''(e) DATA QUALITY.—Either—

''(1) the Governor of the State; or

''(2) in the case of a State for which the constitution or law of such State designates another individual, entity, or agency in the State to be responsible for teacher certification and preparation activity, such individual, entity, or agency;

shall attest annually, in writing, as to the reliability, validity, integrity, and accuracy of the data submitted pursuant to this section.

"SEC. 208. STATE FUNCTIONS.

''(a) STATE ASSESSMENT.—In order to receive funds under this Act, a State shall have in place a procedure to identify and assist, through the provision of technical assistance, low-performing programs of teacher preparation within institutions of higher education. Such State shall provide the Secretary an annual list of such low-performing institutions that includes an identification of those institutions at risk of being placed on such list. Such levels of performance shall be determined solely by the State and may include criteria based upon information collected pursuant to this part. Such assessment shall be described in the report under section 207(a). A State receiving Federal funds under this title shall develop plans to close or reconstitute underperforming programs of teacher preparation within institutions of higher education.

''(b) TERMINATION OF ELIGIBILITY.—Any institution of higher education that offers a program of teacher preparation in which the State has withdrawn the State's approval or terminated the State's financial support due to the low performance of the institution's teacher preparation program based upon the

State assessment described in subsection (a)—

''(1) shall be ineligible for any funding for professional development activities awarded by the Department of Education; and

''(2) shall not be permitted to accept or enroll any student who receives aid under title IV of this Act in the institution's teacher preparation program.

''SEC. 209. GENERAL PROVISIONS.

''In complying with sections 207 and 208, the Secretary shall ensure that States and institutions of higher education use fair and equitable methods in reporting and that the reporting methods do not allow identification of individuals.''.

SEC. 303. ENFORCING NCLB'S TEACHER EQUITY PROVISION.

Subpart 2 of part E of title IX of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7901 et seq.) is amended by adding at the end the following:

''SEC. 9537. ASSURANCE OF REASONABLE PROGRESS TOWARD EQUITABLE ACCESS TO TEACHER QUALITY.

''(a) IN GENERAL.—The Secretary may not provide any assistance to a State under this Act unless, in the State's application for such assistance, the State—

''(1) provides the plan required by section 1111(b)(8)(C) and at least one public report pursuant to that section;

''(2) clearly articulates the measures the State is using to determine whether poor and minority students are being taught disproportionately by inexperienced, unqualified, or out-of-field teachers;

''(3) includes an evaluation of the success of the State's plan required by section 1111(b)(8)(C) in addressing any such disparities;

''(4) with respect to any such disparities, proposes modifications to such plan; and

''(5) includes a description of the State's activities to monitor the compliance of local educational agencies in the State with section 1112(c)(1)(L).

''(b) EFFECTIVE DATE.—This section applies with respect to any assistance under this Act for which an application is submitted after the date of the enactment of this section.''.

TITLE IV—EQUIPPING TEACHERS, SCHOOLS, LOCAL EDUCATIONAL AGENCIES, AND STATES WITH THE 21ST CENTURY DATA, TOOLS, AND ASSESSMENTS THEY NEED

SEC. 401. 21ST CENTURY DATA, TOOLS, AND ASSESSMENTS.

Part E of title II of the Elementary and Secondary Education Act of 1965, as added by titles II and III of this Act, is amended by adding at the end the following:

"Subpart 3—21st Century Data, Tools, and Assessments

''SEC. 2521. DEVELOPING VALUE-ADDED DATA SYSTEMS.

''(a) TEACHER AND PRINCIPAL EVALUATION.—

''(1) GRANTS.—The Secretary shall make grants to States to develop and implement statewide data systems to collect and analyze data on the effectiveness of elementary school and secondary school teachers and principals, based on value-added student achievement gains, for the purposes of—

''(A) determining the distribution of effective teachers and principals in schools across the State;

''(B) developing measures for helping teachers and principals to improve their instruction; and

''(C) evaluating effectiveness of teacher and principal preparation programs.

''(2) DATA REQUIREMENTS.—At a minimum, a statewide data system under this section shall—

''(A) track student course-taking patterns and teacher characteristics, such as certification status and performance on licensure exams; and

''(B) allow for the analysis of gains in achievement made by individual students over time, including gains demonstrated through student academic assessments under section 1111 and tests required by the State for course completion.

''(3) STANDARDS.—The Secretary shall develop standards for the collection of data with grant funds under this section to ensure that such data are statistically valid and reliable.

''(4) APPLICATION.—To seek a grant under this section, a State shall submit an application at such time, in such manner, and containing such information as the Secretary may require. At a minimum, each such application shall demonstrate to the Secretary's satisfaction that the assessments used by the State to collect and analyze data for purposes of this subsection—

''(A) are aligned to State standards;

''(B) have the capacity to assess the highest- and lowest-performing students; and

''(C) are statistically valid and reliable.

''(b) TEACHER TRAINING.—The Secretary may make grants to institutions of higher education, local educational agencies, nonprofit organizations, and teacher organizations to develop and implement innovative programs to provide preservice and in-service training to elementary and secondary schools on—

''(1) understanding increasingly sophisticated student achievement data, especially data derived from value-added longitudinal data systems; and

''(2) using such data to improve classroom instruction.

''(c) STUDY.—The Secretary shall enter into an agreement with the National Academy of Sciences—

''(1) to evaluate the quality of data on the effectiveness of elementary and secondary school teachers, based on value-added student achievement gains; and

''(2) to compare a range of models for collecting and analyzing such data.

''(d) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $200,000,000 for the period of fiscal years 2006 and 2007 and such sums as may be necessary for each of the 4 succeeding fiscal years.''.

SEC. 402. COLLECTING NATIONAL DATA ON DISTRIBUTION OF TEACHERS.

Section 155 of the Education Sciences Reform Act of 2002 (20 U.S.C. 9545) is amended by adding at the end the following:

''(d) SCHOOLS AND STAFFING SURVEY.—Not later than the end of fiscal year 2006, and every 3 years thereafter, the Statistics Commissioner shall publish the results of the Schools and Staffing Survey (or any successor survey).''.

TITLE V—RETENTION: KEEPING OUR BEST TEACHERS IN THE CLASSROOM

SEC. 501. AMENDMENT TO ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.

Part E of title II of the Elementary and Secondary Education Act of 1965, as added by titles II, III, and IV of this Act, is amended by adding at the end the following:

"Subpart 4—Retention and Working Conditions

''SEC. 2531. IMPROVING PROFESSIONAL DEVELOPMENT OPPORTUNITIES.

''(a) GRANTS.—The Secretary may make grants to eligible entities for the establishment and operation of new teacher centers or the support of existing teacher centers.

''(b) SPECIAL CONSIDERATION.—In making grants under this section, the Secretary shall give special consideration to any application submitted by an eligible entity that is—

''(1) a high-need local educational agency; or

''(2) a consortium that includes at least one high-need local educational agency.

''(c) DURATION.—Each grant under this section shall be for a period of 3 years.

''(d) REQUIRED ACTIVITIES.—A teacher center receiving assistance under this section shall carry out each of the following activities:

''(1) Providing high-quality professional development to teachers to assist them in improving their knowledge, skills, and teaching practices in order to help students to improve their achievement and meet State academic standards.

''(2) Providing teachers with information on developments in curricula, assessments, and educational research, including the manner in which the research and data can be used to improve teaching skills and practice.

''(3) Providing training and support for new teachers.

''(e) PERMISSIBLE ACTIVITIES.—A teacher center may use assistance under this section for any of the following:

''(1) Assessing the professional development needs of the teachers and other instructional school employees, such as librarians, counselors, and paraprofessionals, to be served by the center.

''(2) Providing intensive support to staff to improve instruction in literacy, mathematics, science, and other curricular areas necessary to provide a well-rounded education to students.

''(3) Providing support to mentors working with new teachers.

''(4) Providing training in effective instructional services and classroom management strategies for mainstream teachers serving students with disabilities and students with limited English proficiency.

''(5) Enabling teachers to engage in study groups and other collaborative activities and collegial interactions regarding instruction.

''(6) Paying for release time and substitute teachers in order to enable teachers to participate in the activities of the teacher center.

''(7) Creating libraries of professional materials and educational technology.

''(8) Providing high-quality professional development for other instructional staff, such as paraprofessionals, librarians, and counselors.

''(9) Assisting teachers to become highly qualified and paraprofessionals to become teachers.

''(10) Assisting paraprofessionals to meet the requirements of section 1119.

''(11) Developing curricula.

''(12) Incorporating additional on-line professional development resources for participants.

''(13) Providing funding for individual- or group-initiated classroom projects.

''(14) Developing partnerships with businesses and community-based organizations.

''(15) Establishing a teacher center site.

''(f) TEACHER CENTER POLICY BOARD.—

''(1) IN GENERAL.—A teacher center receiving assistance under this section shall be operated under the supervision of a teacher center policy board.

''(2) MEMBERSHIP.—

''(A) TEACHER REPRESENTATIVES.—The majority of the members of a teacher center policy board shall be representatives of, and selected by, the elementary and secondary school teachers to be served by the teacher center. Such representatives shall be selected through the teacher organization, or if there is no teacher organization, by the teachers directly.

''(B) OTHER REPRESENTATIVES.—The members of a teacher center policy board—

''(i) shall include at least two members who are representative of, or designated by, the school board of the local educational agency to be served by the teacher center;

''(ii) shall include at least one member who is a representative of, and is designated by, the institutions of higher education (with departments or schools of education) located in the area; and

''(iii) may include paraprofessionals.

''(g) APPLICATION.—

''(1) IN GENERAL.—To seek a grant under this section, an eligible entity shall submit an application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

''(2) ASSURANCE OF COMPLIANCE.—An application under paragraph (1) shall include an assurance that the applicant will require any teacher center receiving assistance through the grant to comply with the requirements of this section.

''(3) TEACHER CENTER POLICY BOARD.—An application under paragraph (1) shall include the following:

''(A) An assurance that—

''(i) the applicant has established a teacher center policy board;

''(ii) the board participated fully in the preparation of the application; and

''(iii) the board approved the application as submitted.

''(B) A description of the membership of the board and the method of its selection.

''(h) DEFINITIONS.—In this section:

''(1) The term 'eligible entity' means a local educational agency or a consortium of 2 or more local educational agencies.

''(2) The term 'teacher center policy board' means a teacher center policy board described in subsection (f).

''(i) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $100,000,000 for fiscal year 2006 and such sums as may be necessary for each of the 5 succeeding fiscal years.''.

SEC. 502. EXCLUSION FROM GROSS INCOME OF COMPENSATION OF TEACHERS AND PRINCIPALS IN CERTAIN HIGH-NEED SCHOOLS OR TEACHING HIGH-NEED SUBJECTS.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 139A the following new section:

''SEC. 139B. COMPENSATION OF CERTAIN TEACHERS AND PRINCIPALS.

''(a) TEACHERS AND PRINCIPALS IN HIGH-NEED SCHOOLS.—

''(1) IN GENERAL.—In the case of an individual employed as a teacher or principal in a high-need school during the taxable year, gross income does not include so much remuneration for such employment (which would but for this paragraph be includible in gross income) as does not exceed $15,000.

''(2) HIGH-NEED SCHOOL.—For purposes of this subsection, the term 'high-need school' means any public elementary school or public secondary school eligible for assistance under section 1114 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6314).

''(b) TEACHERS OF HIGH-NEED SUBJECTS.—

''(1) IN GENERAL.—In the case of an individual employed as a teacher of high-need subjects during the taxable year, gross income does not include so much remuneration for such employment (which would but for this paragraph be includible in gross income) as does not exceed $15,000.

''(2) TEACHER OF HIGH-NEED SUBJECTS.—For purposes of this subsection, the term 'teacher of high-need subjects' means any teacher in a public elementary or secondary school who—

''(A) (i) teaches primarily 1 or more high-need subjects in 1 or more grades 9 through 12, or

''(ii) teaches 1 or more high-need subjects in 1 or more grades kindergarten through 8,

''(B) received a baccalaureate or similar degree from an eligible educational institution (as defined in section 25A(f)(2)) with a major in a high-need subject, and

''(C) is highly qualified (as defined in section 9101(23) of the Elementary and Secondary Education Act of 1965).

''(3) HIGH-NEED SUBJECTS.—For purposes of this subsection, the term 'high-need subject' means mathematics, science, engineering, technology, special education, teaching English language learners, or any other subject identified as a high-need subject by the Secretary of Education for purposes of this section.

''(c) LIMITATION ON TOTAL REMUNERATION TAKEN INTO ACCOUNT.—In the case of any individual whose employment is described in subsections (a)(1) and (b)(1), the total amount of remuneration which may be taken into account with respect to such employment under this section for the taxable year shall not exceed $25,000.''.

(b) CLERICAL AMENDMENT.—The table of section of such part is amended by inserting after the item relating to section 139A the following new item:

''Sec. 139B. Compensation of certain teachers and principals''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to remuneration received in taxable years beginning after the date of the enactment of this Act.

SEC. 503. ABOVE-THE-LINE DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS INCREASED AND MADE PERMANENT.

(a) IN GENERAL.—Subparagraph (D) of section 62(a)(2) of the Internal Revenue Code of 1986 is amended by striking ''In the case of'' and all that follows through ''$250'' and inserting ''The deductions allowed by section 162 which consist of expenses, not in excess of $500''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. CONFORMING AMENDMENTS.

The table of contents at section 2 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) is amended—

(1) by inserting after the items relating to part D of title II of such Act the following new items:

''PART E—TEACHER EXCELLENCE FOR ALL CHILDREN

''Sec. 2500. Definitions.

''SUBPART 1—DISTRIBUTION

''Sec. 2501. Premium pay; loan repayment.

''Sec. 2502. Career ladders for teachers program.

''SUBPART 2—PREPARATION

''Sec. 2511. Establishing state-of-the-art teacher induction programs.

''Sec. 2512. Peer mentoring and review programs.

''Sec. 2513. Establishing state-of-the-art principal training and induction programs and performance-based principal certification.

''Sec. 2514. Study on developing a portable performance-based teacher assessment.

''SUBPART 3—21ST CENTURY DATA, TOOLS, AND ASSESSMENTS

''Sec. 2521. Developing value-added data systems.

''SUBPART 4—RETENTION AND WORKING CONDITIONS

''Sec. 2531. Improving professional development opportunities.''; and

(2) by inserting after the items relating to subpart 2 of part E of title IX of the Elementary and Secondary Education Act of 1965 the following new item:

''Sec. 9537. Assurance of reasonable progress toward equitable access to teacher quality.''.

By Mr. BURNS:

S. 1219. A bill to authorize certain tribes in the State of Montana to enter into a lease or other temporary conveyance of water rights to meet the water needs of the Dry Prairie Rural Water Association, Inc; to the Committee on Energy and Natural Resources.

Mr. BURNS. Mr. President, today I am introducing legislation that provides an important clarification to the Fort Peck Reservation Rural Water System Act of 2000. The water project authorized by that legislation will provide desperately needed drinking water to the residents of the Fort Peck Indian Reservation and the communities surrounding the Reservation Dry Prairie Rural Water System.

In order to accomplish this, the Assiniboine and Sioux Tribes of the Fort Peck Reservation and Dry Prairie are set to enter into an agreement, allowing Dry Prairie to use the water. The Dry Prairie allocation will be approximately 2,800 acre feet of water. The agreement is consistent with the provisions of the Tribes' Water Compact. However, to address any possible questions regarding the Tribes' grant of use of this water to Dry Prairie, both the Tribes and Dry Prairie would like the Secretary's authority to approve this water use agreement to be clearly approved by Congress. The legislation I am introducing today provides this clarification.

The Project, as authorized, calls for the water to be diverted from the Missouri River at a single location south of Poplar, MT, to an intake system or an infiltration gallery. The estimated amount of annual project diversion is 6,000 acre feet for the entire Project area. The Missouri River at the point of diversion has an average annual streamflow of approximately 7.5 million acre feet.

The Tribes, pursuant to their tribal-state water rights compact, one of the first in the Nation, hold a water right to nearly one million acre feet in the Missouri River. This compact has been approved by the Montana Water Court and is binding on all the parties. This Project will finally enable the Fort Peck Tribes to receive critical benefits from its water settlement with the United States and the State of Montana. As a result of this settlement, the Tribes are able to make a significant contribution to the Project: the water that will be used for the entire system. My legislation will provide the legal clarity necessary to ensure this project moves forward as intended.

By Mr. DODD (for himself, Ms. COLLINS, and Mr. LEAHY):

S. 1220. A bill to assist law enforcement in their efforts to recover missing

children and to strengthen the standards for State sex offender registration programs; to the Committee on the Judiciary.

Mr. DODD. Mr. President, I am pleased to join with my colleague from Maine, Senator COLLINS, and my colleague from Vermont, Senator LEAHY, to introduce legislation today to protect America's children from the vicious criminals who prey on them.

While we've made some progress in the last few years, anyone who picks up a newspaper today can see that far too many of our kids are still too vulnerable.

The most recent annual data shows that about 58,000 children were abducted by nonfamily members, usually people who are strangers to the children. The most frequent victims were teenage girls. Almost one-half of these victims were sexually molested.

Our bill, ''The Prevention and Recovery of Missing Children Act of 2005'', will take 3 common-sense steps to better protect the children of America.

First, it will require that information on a missing child be disseminated throughout the country within 2 hours through the National Crime Information Center database. The reason for this requirement is that time is of the essence. In cases where a child is killed, the evidence shows that the child died within the first three hours of being kidnapped. The more quickly that police throughout the country can be alerted, the more likely it is that we can save a child before a child is harmed.

Second, the bill will make it tougher for convicted sex offenders to escape the law and the watchful eye of the community in which they live. We know that far too many jurisdictions rely essentially on the voluntary actions of the convicted sex offender to register his residence, his car and license plate, and other pertinent information. Moreover, requirements vary from state to state and jurisdiction to jurisdiction.

Therefore the legislation we are introducing today will provide tough national standards that will require these criminals to register before they are released from prison. It will require, within 48 hours of moving to a new residence, that these individuals report to local law enforcement and provide information about their residence, a current photograph, DNA sample, as well as report the make, model, and license plate number of his or her vehicle and get a drivers license or ID. Every 90 days, they would have to verify their registry information and annually provide a new photograph. Failure to comply with these requirements would subject the criminal to a felony.

These new requirements are tough, but our children's safety is far too important to be left to patchwork laws and the voluntary action of convicted criminals whose likelihood of repeating the crime is extremely high.

Third, the legislation removes a current requirement that the names of missing children be deleted from the national database when those children turn 18. Just because a child turns 18 doesn't mean that our country should not try to find that child and certainly doesn't mean that the child should be forgotten.

Nothing we do as a Nation is more important than building a better future for our children. And, nothing is more important to building that future than keeping our children safe today.

Therefore, in my view, no legislation is more important to be enacted in this Congress than this legislation to protect our children from every parent's nightmare. I ask unanimous consent to have a brief summary of the bill printed in the RECORD.

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

PREVENTION AND RECOVERY OF MISSING CHILDREN ACT OF 2005—BRIEF SUMMARY

The most recent annual data shows that 58,000 children were abducted by nonfamily members, mostly strangers to the children. Most of the victims were teenage girls and nearly half were sexually molested. The National Crime Information Center (NCIC) database is a critical means of cooperation, linking 16,000 Federal, State, and local law enforcement agencies. Currently, registration for convicted sex offender rules vary by state. A number of States rely on sex offenders to self-report.

Improves missing child reporting requirements. Stops the practice of removing a missing child entry from the NCIC database when the child reaches age 18, to increase the chances for child recovery and investigative information available for other cases.

Improves the chances for recovery of missing children. Requires entry of child information into the NCIC database within 2 hours of receipt. Immediate entry is critical as evidenced by the fact that in 74 percent of abduction homicide cases the child is dead within 3 hours and 91 percent are killed within 24 hours.

Strengthens sex offender registration requirements. Each of the following suggested amendments are currently part of the statutory sex offender registration policies and procedures in at least one or more states.

Requires States to register sex offenders before they are released from prison. Permitting sex offenders to self-register can lead to under-registration and loss of potentially vital investigative information for law enforcement.

Requires the registering agency to obtain current fingerprints and a photograph (annually), as well as a DNA sample, from an offender at the time of registration. Up-to-date identifying information is a vital investigative tool and may help law enforcement connect seemingly unrelated cases in different jurisdictions.

Requires registrants to obtain either a driver's license or an identification card from the department of motor vehicles. This provides another mechanism through which law enforcement can track the location of potential re-offenders.

Requires that registration changes occur within 48 hours of the changes taking effect. The delay of registering changes creates a ''loophole'' through which sex offenders can re-offend and remain undetected.

Requires all registered sex offenders to verify their registry information every 90 days. Currently, this requirement is imposed for sexually violent predators only. Obtaining up-to-date registry information from all sex offenders is a vital investigative tool for law enforcement and obtaining it every 90 days provides earlier warning to law enforcement of non-compliant offenders who may have traveled into other jurisdictions, placing new communities at risk.

Requires States to inform another state when a known registered person is moving into its jurisdiction. Placing this burden solely on the sex offender leads to under-registration and places communities at risk.

In order to give sex offenders a strong incentive to comply with registry requirements, the bill mandates a felony designation for the crime of non-compliance. Non-compliance must be viewed as an ongoing offense.

By Mr. STEVENS (for himself, Mr. INOUYE, and Ms. CANTWELL):

S. 1222. A bill to amend the Internal Revenue Code of 1986 to reinstate the Oil Spill Liability Trust Fund tax and to maintain a balance of $3 billion in the Oil Spill Liability Trust Fund; to the Committee on Finance.

Mr. STEVENS. Mr. President, I introduce legislation today to maintain the solvency of the Oil Spill Liability Trust Fund established pursuant to the Oil Pollution Act of 1990. Shortly after midnight on March 24, 1989 the Exxon Valdez went aground on Bligh reef and caused an oil spill in Prince William Sound that is to this day still being monitored, studied, and restored. I wrote the Oil Pollution Act of 1990 in the aftermath of this disaster to provide the needed regulatory safeguards to reduce the potential for a similar spill to happen again and mitigate the environmental impacts in such an instance. The Oil Spill Liability Trust Fund is the cornerstone of the Oil Pollution Act ensuring funds for expeditious oil removal and providing for uncompensated damages to the environment. It is the ''polluter pays'' policy under the Act that requires the responsible party to pay back into the Fund all costs and damages related to a spill.

Unfortunately, the Oil Spill Liability Trust Fund is rapidly running out of money. At a recent Commerce Committee hearing the Commandant of the Coast Guard testified that the Oil Spill Liability Trust Fund would likely be depleted by 2009. And in its report on the ''Implementation of the Oil Pollution Act of 1990'', released May 12, 2005, the Coast Guard announced at the end of fiscal year 2004 there was $842 million remaining in the Fund. This is compared to previous years when the un-obligated balance was well over $1 billion, as was required under the Act through a 5 cents per barrel of oil tax collected from the oil industry on petroleum produced in or imported to the United States. The tax was suspended on July 1, 1993 when the un-obligated balance in the Fund exceeded $1 billion. Thereafter, the tax was reinstated on July 1, 1994 when the balance declined below $1 billion. However, the tax expired on December 31, 1994 pursuant to the sunset provision under the Act.

Since this time, the Oil Spill Liability Trust Fund has been unable to maintain a funding level above $1 billion from its various revenue sources prescribed under the Act, which consist of transfers from other existing pollution funds, interest on the Fund principal from U.S. Treasury investments, cost recoveries from responsible parties, and penalties. The only viable option to maintain the Fund's solvency is the reinstatement of the 5 cents per barrel of oil tax. The bill I introduce today will require the 5 cents tax go into effect after the last day of the first calendar quarter ending more than 30 days after the date of enactment. In addition, the bill provides that the Oil Spill Liabillty Trust Fund be funded at $3 billion, and if the fund drops below $2 billion the 5 cents per barrel tax will automatically be reinstated until the fund exceeds $3 billion.

By Mr. DODD:

S. 1223. A bill to amend the Public Health Service Act to improve the quality and efficiency of health care delivery through improvements in health care information technology, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, today I am pleased to announce the reintroduction of the Information Technology for Health Care Quality Act. By encouraging health care providers to invest in information technology (IT), this legislation has the potential to bring skyrocketing health care costs under control and improve the overall quality of care in our nation.

We are facing a health care crisis in our country. According to the Census Bureau, 45 million Americans were without health insurance in 2003—an increase of 1.4 million over 2002. In many respects, we have the greatest health system in the world, but far too many Americans are unable to take advantage of this system.

The number of uninsured continues to rise because the cost of health care continues to soar. Year after year, health care costs increase by double-digit percentages. The cost of employer-sponsored coverage increased by 11 percent last year, after a 14-percent increase in 2003. Employers are dropping health care coverage because they can no longer afford to foot the bill.

One of the ways to provide health care coverage to every American is to reign in health care costs. And expanding the use of IT in health care is the best tool we have to control costs. Studies have shown that as much as one-third of health care spending is for redundant or inappropriate care. Estimates suggest that up to 14 percent of laboratory tests and 11 percent of medication usage are unnecessary. Finally, and perhaps most disturbingly, we know that it takes, on average, 17 years for evidence to be incorporated into clinical practice. Along these same lines, a recent study showed that patients receive the best evidence-based treatment only about half the time.

Significant cost-savings will undoubtedly be realized simply by moving away from a paper-based system, where patient charts and test results are easily lost or misplaced, to an electronic system where data is easily stored, transferred from location to location, and retrieved at any time. With health IT, physicians will have their patients' medical information, at their fingertips. A physician will no longer have to take another set of X-Rays because the first set was misplaced, or order a test that the patient had six months ago in another hospital because she is unaware that the test ever took place. The potential for cost-savings from simply eliminating redundancies and unnecessary tests, and reducing administrative and transaction costs, is substantial.

Of course, when we consider the improved quality of care and patient safety that will result from wider adoption of health IT, the impact on cost is even greater. For example, IT can provide decision support to ensure that physicians are aware of the most up-to-date, evidence-based best practices regarding a specific disease or condition, which will reduce expensive hospitalizations. Given all of these benefits, estimates suggest that Electrontc Health Records (EHRs) alone could save more than $100 billion each year. The full benefits of IT could be multiple hundreds of billions annually. Such a significant reduction in health care costs would allow us to provide coverage to millions of uninsured Americans.

The benefits of IT go beyond economics. I am sure that all of my colleagues are familiar with the Institute of Medicine (IOM) estimate that up to 98,000 Americans die each year as a result of medical errors. A RAND Corporation study from last year showed that, on average, patients receive the recommended care for certain widespread chronic conditions only half of the time. That is an astonishing figure. To put it in a slightly different way, for many of the health conditions with which physicians should be most familiar, half of all patients are essentially being treated incorrectly.

Most experts in the field of patient safety and health care quality, incuding the IOM, agree that improving IT is one of the crucial steps towards safer and better health care. By providing physicians with access to patients' complete medical history, as well as electronic cues to help them make the correct treatment decisions, IT has the potential to significantly impact the care that Americans receive. It is impossible to put a value on the potential savings in human lives that would undoubtedly result from a nationwide investment in health care information technology.

It might seem counterintuitive that we can realize tremendous cost savings while, at the same time, improving care for patients. But in fact, improving patient care is essential to reducing costs. IT is the key to unlocking the door—it has the potential to lead to improvements in care and efficiency that will save patients' lives, reduce costs, and reduce the number of uninsured.

Unfortunately, despite the impact that IT can have on cost, efficiency, patient safety, and health care quality, most health care providers have not yet begun to invest in new technologies. The use of IT in most hospitals and doctors' offices lags far behind almost every other sphere of society. The vast majority of written work, such as patient charts and prescriptions, is still done using pen and paper. This leads to mistakes, higher costs, reduced quality of care, and in the most tragic cases, death.

There is no question in my mind that the federal government has a significant role to play in expanding investment in health IT. The legislation that I am introducing today defines that role. First, this bill would establish federal leadership in defining a Nationai Health Information Infrastructure (NHII) and adopting health IT standards. While I am pleased that the administration has already appointed a National Coordinator for Health Information Technology, I believe that the authority given to the Coordinator and the resources at his disposal are not equal to the enormity of his task. That is why my legislation creates an office in the White House, the Office of Health Information Technology, to oversee all of the Federal Government's activities in the area of health IT, and to create and implement a national strategy to expand the adoption of IT in health care.

This office would also be responsible for leading a collaborative effort between the public and private sectors to develop technical standards for health IT. These standards will ensure that health care information can be shared between providers, so that a family moving from Connecticut to California will not have to leave their medical history behind. At the same time, this bill would ensure that the adopted standards protect the privacy of patient records. While the creation of portable electronic health records is an important goal, privacy and confidentiality must not be sacrificed.

This legislation would also provide financial assistance to individual health care providers to stimulate investment in IT, and to communities to help them set up interoperable IT infrastructures at the local level, often referred to as Local Health Information Infrastructures—LHIIs. IT requires a huge capital investment. Many providers, especially small doctors offices, and safety-net and rural hospitals and health centers, simply cannot afford to make the type of investment that is needed.

Finally, this legislation would provide for the development of a standard

set of health care quality measures. The creation of these measures is critical to better understanding how our health care system is performing, and where we need to focus our efforts to improve the quality of care. IT has the potential to drastically improve our ability to capture these quality measures. All recipients of Federal funding under this bill would be required to regularly report on these measures, as well as the impact that IT is having on health care quality, efficency, and cost savings.

The establishment of standard quality measures is also the first step in moving our nation towards a system where payment for health care is more appropriately aligned—a system in which health care providers are paid not simply for the volume of patients that they treat, but for the quality of care that they deliver. To this end, my legislation would require the Secretary of Health and Human Services to report to Congress on possible changes to Federal reimbursement and payment structures that would encourage the adoption of IT to improve health care quality and patient safety.

I know that many of my colleagues, including Senator ENZI, Senator KENNEDY, Senator CLINTON, Senator FRIST and Senator GREGG, have an interest in this issue. I look forward to working with all of them to move legislation this year. It is time for our country to make a concerted effort to bring the health care sector into the 21st century. We must invest in health IT systems, and we must begin to do so immediately. The number uninsured, the skyrocketing cost of care, and the number of medical errors should all serve as a wake-up call. We have a tool at our disposal to address all of these problems, and there is no more time to waste. I urge my colleagues to support this legislation.

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. 1223

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 ''Information Technology for Health Care Quality Act''.

SEC. 2. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by adding at the end thereof the following:

''TITLE XXIX—HEALTH CARE INFORMATION TECHNOLOGY

''SEC. 2901. DEFINITIONS.

''In this title:

''(1) COVERAGE AREA.—The term 'coverage area' means the boundaries of a local health information infrastructure.

''(2) DIRECTOR.—The term 'Director' means the Director of the Office of Health Information Technology.

''(3) HEALTH CARE PROVIDER.—The term 'health care provider' means a hospital, skilled nursing facility, home health entity, health care clinic, community health center, group practice (as defined in section 1877(h)(4) of the Social Security Act, including practices with only 1 physician), and any other facility or clinician determined appropriate by the Director.

''(4) HEALTH INFORMATION TECHNOLOGY.—The term 'health information technology' means a computerized system that—

''(A) is consistent with the standards developed pursuant to section 2903;

''(B) permits the secure electronic transmission of information to other health care providers and public health entities; and

''(C) includes—

''(i) an electronic health record (EHR) that provides access in real-time to the patient's complete medical record;

''(ii) a personal health record (PHR) through which an individual (and anyone authorized by such individual) can maintain and manage their health information;

''(iii) computerized provider order entry (CPOE) technology that permits the electronic ordering of diagnostic and treatment services, including prescription drugs;

''(iv) decision support to assist physicians in making clinical decisions by providing electronic alerts and reminders to improve compliance with best practices, promote regular screenings and other preventive practices, and facilitate diagnoses and treatments;

''(v) error notification procedures so that a warning is generated if an order is entered that is likely to lead to a significant adverse outcome for the patient; and

''(vi) tools to allow for the collection, analysis, and reporting of data on adverse events, near misses, and the quality of care provided to the patient.

''(5) LOCAL HEALTH INFORMATION INFRASTRUCTURES.—The term 'local health information infrastructure' means an independent organization of health care entities established for the purpose of linking health information systems to electronically share information. A local health information infrastructure may not be a single business entity.

''(6) OFFICE.—The term 'Office' means the Office of Health Information Technology established under section 2902.

''SEC. 2902. OFFICE OF HEALTH INFORMATION TECHNOLOGY.

''(a) ESTABLISHMENT.—There is established within the executive office of the President an Office of Health Information Technology. The Office shall be headed by a Director to be appointed by the President. The Director shall report directly to the President.

''(b) PURPOSE.—It shall be the purpose of the Office to—

''(1) improve the quality and increase the efficiency of health care delivery through the use of health information technology;

''(2) provide national leadership relating to, and encourage the adoption of, health information technology;

''(3) direct all health information technology activities within the Federal Government; and

''(4) facilitate the interaction between the Federal Government and the private sector relating to health information technology development and use.

''(c) DUTIES AND RESPONSIBILITIES.—The Office shall be responsible for the following:

''(1) NATIONAL STRATEGY.—The Office shall develop a national strategy for improving the quality and enhancing the efficiency of health care through the improved use of health information technology and the creation of a National Health Information Infrastructure.

''(2) FEDERAL LEADERSHIP.—The Office shall—

''(A) serve as the principle advisor to the President concerning health information technology;

''(B) direct all health information technology activity within the Federal Government, including approving or disapproving agency policies submitted under paragraph (3);

''(C) work with public and private health information technology stakeholders to implement the national strategy described in paragraph (1); and

''(D) ensure that health information technology is utilized as fully as practicable in carrying out health surveillance efforts.

''(3) AGENCY POLICIES.—

''(A) IN GENERAL.—The Office shall, in accordance with this paragraph, approve or disapprove the policies of Federal departments or agencies with respect to any policy proposed to be implemented by such agency or department that would significantly affect that agency or department's use of health information technology.

''(B) SUBMISSION OF PROPOSAL.—The head of any Federal Government agency or department that desires to implement any policy with respect to such agency or department that would significantly affect that agency or department's use of health information technology shall submit an implementation proposal to the Office at least 60 days prior to the proposed date of the implementation of such policy.

''(C) APPROVAL OR DISAPPROVAL.—Not later than 60 days after the date on which a proposal is received under subparagraph (B), the Office shall determine whether to approve the implementation of such proposal. In making such determination, the Office shall consider whether the proposal is consistent with the national strategy described in paragraph (1). If the Office fails to make a determination within such 60-day period, such proposal shall be deemed to be approved.

''(D) FAILURE TO APPROVE.—Except as otherwise provided for by law, a proposal submitted under subparagraph (B) may not be implemented unless such proposal is approved or deemed to be approved under subparagraph (C).

''(4) COORDINATION.—The Office shall—

''(A) encourage the development and adoption of clinical, messaging, and decision support health information data standards, pursuant to the requirements of section 2903;

''(B) ensure the maintenance and implementation of the data standards described in subparagraph (A);

''(C) oversee and coordinate the health information technology efforts of the Federal Government;

''(D) ensure the compliance of the Federal Government with Federally adopted health information technology data standards;

''(E) ensure that the Federal Government consults and collaborates on decision making with respect to health information technology with the private sector and other interested parties; and

''(F) in consultation with private sector, adopt certification and testing criteria to determine if electronic health information systems interoperate.

''(5) COMMUNICATION.—The Office shall—

''(A) act as the point of contact for the private sector with respect to the use of health information technology; and

''(B) work with the private sector to collect and disseminate best health information technology practices.

''(6) EVALUATION AND DISSEMINATION.—The Office shall coordinate with the Agency for Health Research and Quality and other Federal agencies to—

''(A) evaluate and disseminate information relating to evidence of the costs and benefits

of health information technology and to whom those costs and benefits accrue;

''(B) evaluate and disseminate information on the impact of health information technology on the quality and efficiency of patient care; and

''(C) review Federal payment structures and differentials for health care providers that utilize health information technology systems.

''(7) TECHNICAL ASSISTANCE.—The Office shall utilize existing private sector quality improvement organizations to—

''(A) promote the adoption of health information technology among healthcare providers; and

''(B) provide technical assistance concerning the implementation of health information technology to healthcare providers.

''(8) FEDERAL REIMBURSEMENT.—

''(A) IN GENERAL.—Not later than 6 months after the date of enactment of this title, the Office shall make recommendations to the President and the Secretary of Health and Human Service on changes to Federal reimbursement and payment structures that would encourage the adoption of information technology (IT) to improve health care quality and safety.

''(B) PLAN.—Not later than 90 days after receiving recommendations under subparagraph (A), the Secretary shall provide to the relevant Committees of Congress a report that provides, with respect to each recommendation, a plan for the implementation, or an explanation as to why implementation is inadvisable, of such recommendations. The Office shall continue to monitor federally funded and supported information technology and quality initiatives (including the initiatives authorized in this title), and periodically update recommendations to the President and the Secretary.

''(d) RESOURCES.—The President shall make available to the Office, the resources, both financial and otherwise, necessary to enable the Director to carry out the purposes of, and perform the duties and responsibilities of the Office under, this section.

''(e) DETAIL OF FEDERAL EMPLOYEES.—Upon the request of the Director, the head of any Federal agency is authorized to detail, without reimbursement from the Office, any of the personnel of such agency to the Office to assist it in carrying out its duties under this section. Any such detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

''SEC. 2903. PROMOTING THE INTEROPERABILITY OF HEALTH CARE INFORMATION TECHNOLOGY SYSTEMS.

''(a) DEVELOPMENT, AND FEDERAL GOVERNMENT ADOPTION, OF STANDARDS.—

''(1) ADOPTION.—

''(A) IN GENERAL.—Not later than 2 years after the date of the enactment of this title, the Director, in collaboration with the Consolidated Health Informatics Initiative (or a successor organization to such Initiative), shall provide for the adoption by the Federal Government of national data and communication health information technology standards that promote the efficient exchange of data between varieties of provider health information technology systems. In carrying out the preceding sentence, the Director may adopt existing standards. Except as otherwise provided for in this title, standards adopted under this section shall be voluntary for private sector entities.

''(B) GRANTS OR CONTRACTS.—The Director may utilize grants or contracts to provide for the private sector development of standards for adoption by the Federal Government under subparagraph (A).

''(C) DEFINITION.—In this paragraph, the term 'provide for' means that the Director shall promulgate, and each Federal agency or department shall adopt, regulations to ensure that each such agency or department complies with the requirements of subsection (b).

''(2) REQUIREMENTS.—The standards developed and adopted under paragraph (1) shall be designed to—

''(A) enable health information technology to be used for the collection and use of clinically specific data;

''(B) promote the interoperability of health care information across health care settings;

''(C) facilitate clinical decision support through the use of health information technology; and

''(D) ensure the privacy and confidentiality of medical records.

''(3) PUBLIC PRIVATE PARTNERSHIP.—Consistent with activities being carried out on the date of enactment of this title, including the Consolidated Health Informatics Initiative (or a successor organization to such Initiative), health information technology standards shall be adopted by the Director under paragraph (1) at the conclusion of a collaborative process that includes consultation between the Federal Government and private sector health care and information technology stakeholders.

''(4) PRIVACY AND SECURITY.—The regulations promulgated by the Secretary under part C of title XI of the Social Security Act (42 U.S.C. 1320d et seq.) and sections 261, 262, 263, and 264 of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note) with respect to the privacy, confidentiality, and security of health information shall apply to the implementation of programs and activities under this title.

''(5) PILOT TESTS.—To the extent practical, the Director shall pilot test the health information technology data standards developed under paragraph (1) prior to their implementation under this section.

''(6) DISSEMINATION.—

''(A) IN GENERAL.—The Director shall ensure that the standards adopted under paragraph (1) are widely disseminated to interested stakeholders.

''(B) LICENSING.—To facilitate the dissemination and implementation of the standards developed and adopted under paragraph (1), the Director may license such standards, or utilize other means, to ensure the widespread use of such standards.

''(b) IMPLEMENTATION OF STANDARDS.—

''(1) PURCHASE OF SYSTEMS BY THE SECRETARY.—Effective beginning on the date that is 1 year after the adoption of the technology standards pursuant to subsection (a), the Secretary shall not purchase any health care information technology system unless such system is in compliance with the standards adopted under subsection (a), nor shall the Director approve any proposal pursuant to section 2902(c)(3) unless such proposal utilizes systems that are in compliance with the standards adopted under subsection (a).

''(2) RECIPIENTS OF FEDERAL FUNDS.—Effective on the date described in paragraph (1), no appropriated funds may be used to purchase a health care information technology system unless such system is in compliance with applicable standards adopted under subsection (a).

''(c) MODIFICATION OF STANDARDS.—The Director shall provide for ongoing oversight of the health information technology standards developed under subsection (a) to—

''(1) identify gaps or other shortcomings in such standards; and

''(2) modify such standards when determined appropriate or develop additional standards, in collaboration with standard setting organizations.

''SEC. 2904. LOAN GUARANTEES FOR THE ADOPTION OF HEALTH INFORMATION TECHNOLOGY.

''(a) IN GENERAL.—The Director shall guarantee payment of the principal of and the interest on loans made to eligible entities to enable such entities—

''(1) to implement local health information infrastructures to facilitate the development of interoperability across health care settings to improve quality and efficiency; or

''(2) to facilitate the purchase and adoption of health information technology to improve quality and efficiency.

''(b) ELIGIBILITY.—To be eligible to receive a loan guarantee under subsection (a) an entity shall—

''(1) with respect to an entity desiring a loan guarantee—

''(A) under subsection (a)(1), be a coalition of entities that represent an independent consortium of health care stakeholders within a community that—

''(i) includes—

''(I) physicians (as defined in section 1881(r)(1) of the Social Security Act);

''(II) hospitals; and

''(III) group health plans or other health insurance issuers (as such terms are defined in section 2791); and

''(ii) may include any other health care providers; or

''(B) under subsection (a)(2) be a health care provider;

''(2) to the extent practicable, adopt the national health information technology standards adopted under section 2903;

''(3) provide assurances that the entity shall submit to the Director regular reports on the activities carried out under the loan guarantee, including—

''(A) a description of the financial costs and benefits of the project involved and of the entities to which such costs and benefits accrue;

''(B) a description of the impact of the project on health care quality and safety; and

''(C) a description of any reduction in duplicative or unnecessary care as a result of the project involved;

''(4) provide assurances that not later than 30 days after the development of the standard quality measures pursuant to section 2906, the entity shall submit to the Director regular reports on such measures, including provider level data and analysis of the impact of information technology on such measures;

''(5) prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require.

''(c) USE OF FUNDS.—Amounts received under a loan guarantee under subsection (a) shall be used—

''(1) with respect to a loan guarantee described in subsection (a)(1)—

''(A) to develop a plan for the implementation of a local health information infrastructure under this section;

''(B) to establish systems for the sharing of data in accordance with the national health information technology standards developed under section 2903;

''(C) to purchase directly related integrated hardware and software to establish an interoperable health information technology system that is capable of linking to a local health care information infrastructure; and

''(D) to train staff, maintain health information technology systems, and maintain adequate security and privacy protocols;

''(2) with respect to a loan guarantee described in subsection (a)(2)—

''(A) to develop a plan for the purchase and installation of health information technology;

''(B) to purchase directly related integrated hardware and software to establish an interoperable health information technology system that is capable of linking to a national or local health care information infrastructure; and

''(C) to train staff, maintain health information technology systems, and maintain adequate security and privacy protocols; and

''(3) to carry out any other activities determined appropriate by the Director.

''(d) SPECIAL CONSIDERATIONS FOR CERTAIN ENTITIES.—In awarding loan guarantees under this section, the Director shall give special consideration to eligible entities that—

''(1) provide service to low-income and underserved populations; and

''(2) agree to electronically submit the information described in paragraphs (3) and (4) of subsection (b) on a daily basis.

''(e) SPECIAL CONSIDERATIONS FOR LOCAL HEALTH INFORMATION INFRASTRUCTURES.—In awarding loan guarantees under this section to local health information infrastructures, the Director shall give special consideration to eligible entities that—

''(1) include at least 50 percent of the patients living in the designated coverage area;

''(2) incorporate public health surveillance and reporting into the overall architecture of the proposed infrastructure; and

''(3) link local health information infrastructures.

''(f) AREAS OF SPECIFIC INTEREST.—In awarding loan guarantees under this section, the Director shall include—

''(1) entities with a coverage area that includes an entire State; and

''(2) entities with a multi-state coverage area.

''(g) ADMINISTRATIVE PROVISIONS.—

''(1) AGGREGATE AMOUNT.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the aggregate amount of principal of loans guaranteed under subsection (a) with respect to an eligible entity may not exceed $5,000,000. In any 12-month period the amount disbursed to an eligible entity under this section (by a lender under a guaranteed loan) may not exceed $5,000,000.

''(B) EXCEPTION.—The cumulative total of the principal of the loans outstanding at any time to which guarantees have been issued under subsection (a) may not exceed such limitations as may be specified in appropriation Acts.

''(2) PROTECTION OF FEDERAL GOVERNMENT.—

''(A) IN GENERAL.—The Director may not approve an application for a loan guarantee under this section unless the Director determines that—

''(i) the terms, conditions, security (if any), and schedule and amount of repayments with respect to the loan are sufficient to protect the financial interests of the United States and are otherwise reasonable, including a determination that the rate of interest does not exceed such percent per annum on the principal obligation outstanding as the Director determines to be reasonable, taking into account the range of interest rates prevailing in the private market for loans with similar maturities, terms, conditions, and security and the risks assumed by the United States; and

''(ii) the loan would not be available on reasonable terms and conditions without the enactment of this section.

''(B) RECOVERY.—

''(i) IN GENERAL.—The United States shall be entitled to recover from the applicant for a loan guarantee under this section the amount of any payment made pursuant to such loan guarantee, unless the Director for good cause waives such right of recovery, and, upon making any such payment, the United States shall be subrogated to all of the rights of the recipient of the payments with respect to which the loan was made.

''(ii) MODIFICATION OF TERMS.—Any terms and conditions applicable to a loan guarantee under this section may be modified by the Director to the extent the Director determines it to be consistent with the financial interest of the United States.

''(3) DEFAULTS.—The Director may take such action as the Director deems appropriate to protect the interest of the United States in the event of a default on a loan guaranteed under this section, including taking possession of, holding, and using real property pledged as security for such a loan guarantee.

''(h) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated to carry out this section, $250,000,000 for each of fiscal years 2006 through 2011.

''(2) AVAILABILITY.—Amounts appropriated under subparagraph (A) shall remain available for obligation until expended.

''SEC. 2905. GRANTS FOR THE PURCHASE OF HEALTH INFORMATION TECHNOLOGY.

''(a) IN GENERAL.—The Director may award competitive grants to eligible entities—

''(1) to implement local health information infrastructures to facilitate the development of interoperability across health care settings; or

''(2) to facilitate the purchase and adoption of health information technology.

''(b) ELIGIBILITY.—To be eligible to receive a grant under section (a) an entity shall—

''(1) demonstrate financial need to the Director;

''(2) with respect to an entity desiring a grant—

''(A) under subsection (a)(1), represent an independent consortium of health care stakeholders within a community that—

''(i) includes—

''(I) physicians (as defined in section 1881(r)(1) of the Social Security Act);

''(II) hospitals; and

''(III) group health plans or other health insurance issuers (as such terms are defined in section 2791); and

''(ii) may include any other health care providers; or

''(B) under subsection (a)(2) be a health care provider that provides health care services to low-income and underserved populations;

''(3) adopt the national health information technology standards developed under section 2903;

''(4) provide assurances that the entity shall submit to the Director regular reports on the activities carried out under the loan guarantee, including—

''(A) a description of the financial costs and benefits of the project involved and of the entities to which such costs and benefits accrue;

''(B) a description of the impact of the project on health care quality and safety; and

''(C) a description of any reduction in duplicative or unnecessary care as a result of the project involved;

''(5) provide assurances that not later than 30 days after the development of the standard quality measures pursuant to section 2906, the entity shall submit to the Director regular reports on such measures, including provider level data and analysis of the impact of information technology on such measures;

''(6) prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require; and

''(7) agree to provide matching funds in accordance with subsection (g).

''(c) USE OF FUNDS.—Amounts received under a grant under subsection (a) shall be used to—

''(1) with respect to a grant described in subsection (a)(1)—

''(A) to develop a plan for the implementation of a local health information infrastructure under this section;

''(B) to establish systems for the sharing of data in accordance with the national health information technology standards developed under section 2903;

''(C) to implement, enhance, or upgrade a comprehensive, electronic health information technology system; and

''(D) to maintain adequate security and privacy protocols;

''(2) with respect to a grant described in subsection (a)(2)—

''(A) to develop a plan for the purchase and installation of health information technology;

''(B) to purchase directly related integrated hardware and software to establish an interoperable health information technology system that is capable of linking to a national or local health care information infrastructure; and

''(C) to train staff, maintain health information technology systems, and maintain adequate security and privacy protocols;

''(3) maintain adequate security and privacy protocols; and

''(4) to carry out any other activities determined appropriate by the Director.

''(d) SPECIAL CONSIDERATIONS FOR CERTAIN ENTITIES.—In awarding grants under this section, the Director shall give special consideration to eligible entities that—

''(1) provide service to low-income and underserved populations; and

''(2) agree to electronically submit the information described in paragraphs (4) and (5) of subsection (b).

''(e) SPECIAL CONSIDERATIONS FOR LOCAL HEALTH INFORMATION INFRASTRUCTURES.—In awarding grants under this section to local health information infrastructures, the Director shall give special consideration to eligible entities that—

''(1) include at least 50 percent of the patients living in the designated coverage area;

''(2) incorporate public health surveillance and reporting into the overall architecture of the proposed infrastructure; and

''(3) link local health information infrastructures;

''(f) AREAS OF SPECIFIC INTEREST.—In awarding grants under this section, the Director shall include—

''(1) entities with a coverage area that includes an entire State; and

''(2) entities with a multi-state coverage area.

''(g) MATCHING REQUIREMENT.—

''(1) IN GENERAL.—The Director may not make a grant under this section to an entity unless the entity agrees that, with respect to the costs to be incurred by the entity in carrying out the infrastructure program for which the grant was awarded, the entity will make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount equal to not less than 20 percent of such costs ($1 for each $5 of Federal funds provided under the grant).

''(2) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions required under paragraph (1) may be in cash or in kind, fairly evaluated, including equipment, technology, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent

by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

''(h) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated to carry out this section, $250,000,000 for each of fiscal years 2006 through 2011.

''(2) AVAILABILITY.—Amounts appropriated under paragraph (1) shall remain available for obligation until expended.''.

SEC. 3. STANDARDIZED MEASURES OF QUALITY HEALTH CARE AND DATA COLLECTION.

Title XXIX of the Public Health Service Act, as added by section 2, is amended by adding at the end the following:

''SEC. 2906. STANDARDIZED MEASURES OF QUALITY HEALTH CARE.

''(a) IN GENERAL.—

''(1) COLLABORATION.—The Secretary of Health and Human Services, the Secretary of Defense, and the Secretary of Veterans Affairs (referred to in this section as the 'Secretaries'), in consultation with the Quality Interagency Coordination Taskforce (as established by Executive Order on March 13, 1998), the Institute of Medicine, the Joint Commission on Accreditation of Healthcare Organizations, the National Committee for Quality Assurance, the American Health Quality Association, the National Quality Forum, the Medicare Payment Advisory Committee, and other individuals and organizations determined appropriate by the Secretaries, shall establish uniform health care quality measures to assess the effectiveness, timeliness, patient-centeredness, efficiency, equity, and safety of care delivered across all federally supported health delivery programs.

''(2) DEVELOPMENT OF MEASURES.—Not later than 18 months after the date of enactment of this title, the Secretaries shall develop standardized sets of quality measures for each of the 20 priority areas for improvement in health care quality as identified by the Institute of Medicine in their report entitled 'Priority Areas for National Action' in 2003, or other such areas as identified by the Secretaries in order to assist beneficiaries in making informed choices about health plans or care delivery systems. The selection of appropriate quality indicators under this subsection shall include the evaluation criteria formulated by clinical professionals, consumers, and data collection experts.

''(3) PILOT TESTING.—Each federally supported health delivery program may conduct a pilot test of the quality measures developed under paragraph (2) that shall include a collection of patient-level data and a public release of comparative performance reports.

''(b) PUBLIC REPORTING REQUIREMENTS.—The Secretaries, working collaboratively, shall establish public reporting requirements for clinicians, institutional providers, and health plans in each of the federally supported health delivery program described in subsection (a). Such requirements shall provide that the entities described in the preceding sentence shall report to the appropriate Secretary on the measures developed under subsection (a).

''(c) FULL IMPLEMENTATION.—The Secretaries, working collaboratively, shall implement all sets of quality measures and reporting systems developed under subsections (a) and (b) by not later than the date that is 1 year after the date on which the measures are developed under subsection (a)(2).

''(d) REPORTS.—Not later than 1 year after the date of enactment of this title, and annually thereafter, the Secretary shall—

''(1) submit to Congress a report that details the collaborative efforts carried out under subsection (a), the progress made on standardizing quality indicators throughout the Federal Government, and the state of quality measurement for priority areas that links data to the report submitted under paragraph (2) for the year involved; and

''(2) submit to Congress a report that details areas of clinical care requiring further research necessary to establish effective clinical treatments that will serve as a basis for additional quality indicators.

''(e) COMPARATIVE QUALITY REPORTS.—Beginning not later than 3 years after the date of enactment of this title, in order to make comparative quality information available to health care consumers, including members of health disparity populations, health professionals, public health officials, researchers, and other appropriate individuals and entities, the Secretaries shall provide for the pooling, analysis, and dissemination of quality measures collected under this section. Nothing in this section shall be construed as modifying the privacy standards under the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191).

''(f) ONGOING EVALUATION OF USE.—The Secretary of Health and Human Services shall ensure the ongoing evaluation of the use of the health care quality measures established under this section.

''(g) EVALUATION AND REGULATIONS.—

''(1) EVALUATION.—

''(A) IN GENERAL.—The Secretary shall, directly or indirectly through a contract with another entity, conduct an evaluation of the collaborative efforts of the Secretaries to establish uniform health care quality measures and reporting requirements for federally supported health care delivery programs as required under this section.

''(B) REPORT.—Not later than 1 year after the date of enactment of this title, the Secretary of Health and Human Services shall submit a report to the appropriate committees of Congress concerning the results of the evaluation under subparagraph (A).

''(2) REGULATIONS.—

''(A) PROPOSED.—Not later than 6 months after the date on which the report is submitted under paragraph (1)(B), the Secretary shall publish proposed regulations regarding the application of the uniform health care quality measures and reporting requirements described in this section to federally supported health delivery programs.

''(B) FINAL REGULATIONS.—Not later than 1 year after the date on which the report is submitted under paragraph (1)(B), the Secretary shall publish final regulations regarding the uniform health care quality measures and reporting requirements described in this section.

''(h) DEFINITIONS.—In this section, the term 'federally supported health delivery program' means a program that is funded by the Federal Government under which health care items or services are delivered directly to patients.''.

By Mrs. BOXER (for herself and Mr. LAUTENBERG):

S. 1224. A bill to protect the oceans, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. BOXER. Mr. President, as we commemorate World Oceans Week, we celebrate the wonder and beauty of the world's oceans. We celebrate the role our oceans play in commerce, fishing and shipping. We celebrate the beauty of our coral reefs and the potential lifesaving cures they might contain. And we celebrate our commitment to improving the health of our oceans, so that our children and grandchildren will have a chance to enjoy and cherish them.

That is why I am pleased to introduce the National Oceans Protection Act of 2005—comprehensive legislation to improve the health and governance of our oceans. The bill is co-sponsored by Senator LAUTENBERG.

This legislation ''was written after two major oceans commission reports in the past two years determined that our oceans are in a state of crisis. The congressionally-established U.S. Commission on Ocean Policy and the independent Pew Oceans Commission provided detailed descriptions of the challenges our oceans are facing as well as specific solutions to improve ocean health.

From pollution to over-fishing to invasive species, there are many factors that have contributed to the current crisis in which we find ourselves. Pollution threatens all aspects of ocean health. Every 8 months, nearly 11 million gallons of oil flow from American roads into our waters—the equivalent of the Exxon Valdez oil spill.

Our oceans are also showing signs of being over-fished, which affects the communities that depend on fish stocks for their livelihood. Many fish populations, including salmon, face the threat of being depleted to seriously low levels. Invasive species—such as the killer algae found near San Diego in 2000—are another threat to ocean health. In the San Francisco Bay alone, more than 175 invasive species threaten to overwhelm native species.

By targeting some of the most serious challenges facing our oceans, as outlined in the Commissions' reports, my legislation provides a comprehensive national approach to oceans protection and preservation.

Let me just mention a couple of the important provisions in four key areas:

First, the bill improves the governance of the oceans by giving the National Oceanic and Atmospheric Administration the independence it needs to better facilitate the management and oversight of our oceans.

Second, the bill protects and conserves marine wildlife and habitat by, among other things, creating protection areas and authorizing $50 million per year in grants to local communities to restore fisheries and coastal areas.

Third, the bill strengthens fisheries and encourages sustainable fishing in a number of ways, including requiring that entire ecosystems be taken into account when considering the health of a fishery.

And, fourth, the bill improves the quality of ocean water by establishing maximum amounts of pollution that a body of water can hold and still be healthy. In addition, financial assistance will be provided to local governments to reduce pollution and increase monitoring.

For their contributions to this legislation and their great leadership on

oceans issues, I would like to thank Senators INOUYE, GREGG, LAUTENBERG, and LEVIN, as well as former Senator Hollings.

It is my hope that this bill will provide the framework needed to protect and improve our oceans. The great environmentalist and ocean-explorer Jacques Cousteau once said, ''If we were logical, the future would be bleak, indeed. But we are more than logical. We are human beings, and we have faith, and we have hope, and we can work.''

As we celebrate World Oceans Week, it is my hope that we can work together to provide a bright future for the world's oceans and continue to protect our coastal economy.

I encourage my colleagues to join me in this effort to implement the recommendations of the U.S. Commission on Ocean Policy and the Pew Ocean Commission.

I ask unanimous consent that a summary of the bill and list of endorsements be printed in the RECORD.

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

THE NATIONAL OCEANS PROTECTION ACT

1. IMPROVING THE GOVERNANCE OF THE OCEANS

The Ernest ''Fritz'' Hollings National Ocean Policy and Leadership Act

Establishes an independent National Oceanic and Atmospheric Administration (NOAA).

Independence will occur after a two-year transition period.

Creates a Council on Ocean Stewardship that will annually review funding, policy recommendations, and programs for ocean protection.

The Council will function as a federal coordinating body of the various agencies that deal with oceans issues, and will be placed in the Executive Office of the President.

Other Governance Provisions

Requires that all activities on the Outer Continental Shelf—such as wave energy projects, bioextraction by biotech companies, and wind energy projects—receive a federal permit to ensure that projects do not pose an adverse threat to the health of the oceans current law only requires permits for oil and gas activities.

NOAA, working with other relevant agencies such as the EPA or the Army Corps of Engineers, will develop the permitting process, specifically to protect and preserve the marine environment, conserve fisheries and natural resources, and protect public health and safety.

NOAA makes the final determination of whether the activity poses a threat to any of these interests—and if so, a permit will not be given.

Establishes a Trust Fund in the U.S. Treasury and administered by NOAA composed of Federal money generated from these newly permitted activities; funds will be used for ocean conservation, science and research, and assistance to displaced fishermen.

Prohibits NOAA from issuing any lease for marine aquaculture until strong national standards and regulations are issued to protect fish stocks from disease, parasites, and invasive species and to prevent water quality impairment.

2. PROTECTING AND CONSERVING MARINE WILDLIFE AND HABITAT

Provides protection for ecologically-important coral areas by creating ''Coral Management Areas.''

NOAA must carry out a comprehensive ocean exploration and mapping program to determine areas where coral and other creatures live and the marine environments on which they depend for food and habitat.

Based on this data, NOAA may establish Coral Management Areas, which would trigger protection from certain fishing gear and practices, such as 'rockhopper' trawling gear on fishing nets that tear up essential habitat.

Authorizes $3 million per year for research on the effects of noise pollution (i.e. sonar) on marine mammals.

Establishes a voluntary buyback program for environmentally and ecologically unsafe ''gear''—such as boat engines.

Prohibits almost all discharges of ballast water in U.S. waters and requires ships to install technology to capture invasive species in ballast water before discharge—and creates an early detection and rapid response system to provide assistance to states to protect against invasive species.

Authorizes $50 million per year in grants to local communities to restore fishery and coastal habitats.

Authorizes $500 million per year in grants to local communities to purchase lands that are vulnerable to development and are important to the protection and preservation of habitats.

3. STRENGTHENING FISHERIES AND FISH HABITAT

Requires that, when determining the health of a fishery, the entire ecosystem be taken into account, not just the health of a particular fish species.

Each regional fishery council must establish a science and statistical committee (SSC) to help develop, collect, and evaluate statistical, biological, economic, social, and other scientific information—the regional councils must then set fish take allowances that are consistent with the SSC determinations, but even greater conservation measures can be taken.

Authorizes $115 million over five years for NOAA and the regional fishery councils to develop ecosystem-wide plans to protect and sustain fisheries.

Requires NOAA to establish standards for reducing bycatch and authorizes $55 million over five years to monitor compliance with those standards.

Creates Individual Fishing Quotas (IFQ) that are equitably allocated and that protect against bycatch, overfishing, and economic harm to local communities.

4. IMPROVING THE QUALITY OF OCEAN WATER

Requires EPA to establish maximum amounts of nutrient runoff pollution that a body of water can hold and still be healthy, taking into account regional conditions and reasonable economic considerations.

Requires water utilities to establish water treatment standards to remove nutrient pollution.

Mandates best management practices for agriculture—requiring farmers, to the greatest extent practicable, to take steps to curtail runoff.

Expedites beach pollution testing and posting by determining which beaches are most at risk of dangerous water conditions and requiring beach closures as soon as practicable but not longer than 48 hours after discovery.

Requires public notification and testing of sewer overflows.

Authorizes $11.2 billion per year in funding for state and local governments to reduce stormwater pollution and to increase monitoring and testing.

Requires a survey and continuous monitoring of contaminated sediments that are threats to bodies of water, and establishes standards to protect sensitive aquatic species from contaminated sediments.

SUPPORT FOR THE NATIONAL OCEANS PROTECTION ACT OF 2005

NATIONAL ORGANIZATIONS

Natural Resources Defense Council; The Ocean Conservancy; Oceana; Sierra Club; National Environmental Trust; Worldwide Fund for Conservation; U.S. PIRG; Defenders of Wildlife; E2 (Environmental Entrepreneurs); Ocean Champions; Blue Frontier Campaign; Pacific Coast Federation of Fishermen's Associations; Marine Fish Conservation Network; The Humane Society; ASPCA; Seaflow; Surfrider; Association of National Estuary Programs; Ocean Defense International; Earth Island Institute; Waterkeepers; America's Whale Alliance; Center for International Environmental Law; Acoustic Ecology Institute; Greenpeace Foundation; Earthtrust; Western Wildlife Conservancy; Mangrove Action Project; The Whaleman Foundation; Campaign to Safeguard America's Waters; Reef Relief; WildLaw; Conservation Law Foundation; Cook Inlet Keeper; Cry of the Water; Global Coral Reef Alliance; Save Our Shoreline, Inc; Marine Conservation Biology Institute; Public Employees for Environmental Responsibility (PEER); Reef Protection International; International Forum on Globalization; The Ocean Mammal Institute; Endangered Species Coalition.

CALIFORNIA ORGANIZATIONS

California League of Conservation Voters; Aquatic Adventures Science Education Foundation, San Diego; The Bay Institute, Novato; Baykeeper, San Francisco; Bolinas Lagoon Foundation, Stinson Beach; California Greenworks, Buena Park; Catalina Island Conservancy, Avalon; Community Environmental Council, Santa Barbara; Crystal Cove Alliance, Corona Del Mar; Endangered Habitats League, Los Angeles; The Environmental Action Committee of West Marin, Point Reyes Station; Environmental Center of San Luis Obispo County, San Luis Obispo; Environmental Defense Center, Santa Barbara; Friends of Santa Ana Zoo, Santa Ana; Friends of the Sea Otter, Pacific Grove; Golden Gate Audubon Society, Berkeley; Grassroots Coalition, Los Angeles; Guadalupe-Nipomo Dunes Center and Guadalupe-Nipomo Dunes Collaborative; Heal the Bay, Santa Monica; Huntington Beach Tree Society, Huntington Beach; The Marine Mammal Center, Sausalito; Monterey Bay Aquarium, Monterey Monterey Bay Sanctuary Foundation, Monterey Moss Landing Marine Laboratories, Moss Landing; Newport Bay Naturalists and Friends, Newport Beach; The Ocean Conservancy, Santa Cruz Field Office Ocean Institute, Dana Point; O'Neill Sea Odyssey, Santa Cruz; The Orange County Interfaith Coalition for the Environment, Tustin; PRBO Conservation Science, Stinson Beach; San Diego Audubon Society, San Diego; San Diego Baykeeper San Francisco Zoo, San Francisco; San Luis Bay Surfrider Foundation, San Luis Obispo San Luis Obispo Coastkeeper, San Luis Obispo; Santa Barbara Channelkeper, Santa Barbara; Santa Monica Bay Audubon Society, Santa Monica Save Our Shores, Santa Cruz; Sea Studios Foundation, Monterey; Southwest Wetlands Interpretive Association, Imperial Beach; Steinhart Aquarium at the California Academy of Sciences, San Francisco; Surfrider Foundation, Marin County; Surfrider Foundation—Monterey Chapter; Trillium Press, Brisbane; Wildcoast, Imperial Beach; Wishtoyo Foundation, Oxnard; Baykeeper, San Francisco; Catalina Island Conservancy, Avalon; Environmental Defense Center, Santa Barbara; The Marine Mammal Center, Sausalito.

ELECTED OFFICIALS

Marty Blum, Mayor, City of Santa Barbara; Harold Brown, President, Marin County Board of Supervisors; Denise Moreno

Ducheny, California State Senator, 40th District; Donna Frye, Councilniember, City of San Diego; Fred Keeley, Treasurer-Tax Collector, County of Santa Cruz; Christine Kehoe, California State Senator, 39th District; John Laird, California State Assembly member, 27th Assembly District; Patricia McCoy, Councilmember, City of Imperial Beach; Kevin McKeown, Councilmember, City of Santa Monica; Aaron Peskin, President, San Francisco Board of Supervisors; Wayne Rayfield, Mayor, City of Dana Point; Murray Rosenbluth, Mayor, City of Port Hueneme; Diana Rose, Mayor, City of Imperial Beach; Susan Rose, Supervisor, Santa Barbara County; Bill Rosendahl, Councilmember-Elect, City of Los Angeles; Lori Saldafiña, Californa State Assembly member and Assistant Majority Whip, 76th District; Esther Sanchez, Deputy Mayor, City of Oceanside; Das Williams, Councilmember, City of Santa Barbara; Mayda Winter, Councilmember, City of Imperial Beach.

INDIVIDUALS

Jean-Michel Cousteau, President, Ocean Futures Society; Dr. Sylvia Earle, Explorer-in Residence, the National Geographic Society; Gary Griggs, Director, Institute of Marine Sciences, University of California Santa Cruz; David Helvarg, Author, Blue Frontier—Saving America's Living Seas; Kurt Lieber, President and Founder, Ocean Defenders Alliance; Mark Silberstein, Executive Director, Elkhorn Slough Foundation; Dr. Susan Williams, Director, Bodega Marine Laboratory.

OTHER ORGANIZATIONS

Gulf of Mexico Foundation; Turtle Island Restoration Network; Potomac Riverkeeper; Coastwalk; Gulf Restoration Network; Florida Oceanographic Society; Patapsco Riverkeeper, Inc.; The Coastal Marine Resource Center of New York; New York Whale and Dolphin Action League; San Francisco Ocean Film Festival.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 165—CONGRATULATING THE SMALL BUSINESS DEVELOPMENT CENTERS OF THE SMALL BUSINESS ADMINISTRATION ON THEIR 25 YEARS OF SERVICE TO AMERICA'S SMALL BUSINESS OWNERS AND ENTREPRENEURS

Ms. SNOWE (for herself, Mr. COLEMAN, Mr. ISAKSON, Mr. VITTER, Ms. LANDRIEU, Mr. KERRY, Mr. BURNS, Mr. PRYOR, Mr. BAYH, and Mr. LIEBERMAN) submitted the following resolution; which was referred to the Committee on Small Business and Entrepreneurship:

S. RES. 165

Whereas in 1980, Congress established the Small Business Development Center program to deliver management and technical assistance counseling and provide educational programs to prospective and existing small business owners;

Whereas over the last 25 years, the Small Business Development Center network counseled and trained more than 11,000,000 small business owners and entrepreneurs, helping small businesses start and grow and create jobs in the United States;

Whereas the Small Business Development Centers exemplify the partnership between private sector institutions of higher education and Government, working together to support small businesses and entrepreneurship;

Whereas the Small Business Development Centers have been a critical partner in the start-up and growth of the Nation's small businesses ;

Whereas in 2004, the Small Business Development Centers counseled and trained approximately 750,000 new and existing small businesses;

Whereas the Small Business Development Centers deliver specialized assistance through a network of 63 lead centers and more than 1,100 service locations, in all 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, and American Samoa;

Whereas the Small Business Development Centers provide assistance tailored to the local community and the needs of the client, including counseling and training on financial management, marketing, production and organization, international trade assistance, procurement assistance, venture capital formation, and rural development, among other services that improve the economic environment in which small businesses compete;

Whereas in 2003, the Small Business Development Center's in-depth counseling helped small businesses generate nearly $6,000,000,000 in revenues and save an additional $7,000,000,000 in sales;

Whereas in 2003, the Small Business Development Centers helped create and retain over 163,000 jobs across the United States; and

Whereas the Small Business Development Centers proudly celebrate 25 years of service to America's small business owners and entrepreneurs: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Small Business Development Centers of the Small Business Administration on their 25 years of service to America's small business owners and entrepreneurs;

(2) recognizes their service in helping America's small businesses start, grow, and flourish; and

(3) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the Association for Small Business Development Centers for appropriate display.

Ms. SNOWE. Mr. President, I rise today in support of a Senate resolution that honors the Small Business Administration's (SBA's) Small Business Development Centers (SBDCs) on their tremendous service and dedication to America's small businesses and entrepreneurs over the past 25 years.

Small businesses form a solid foundation for economic growth and job creation. The successes of our Nation's 25 million small businesses have helped create nearly three-quarters of all new jobs and produce 50 percent of our country's Gross Domestic Product.

As Chair of the Senate Committee on Small Business and Entrepreneurship, I understand that the spirit of entrepreneurs, to explore beyond their limits, is the engine driving our economy. Each year 3 to 4 million new businesses open their doors to the marketplace and one in 25 adult Americans takes the steps to start a business. Clearly, it is essential we ensure that every American has the necessary resources available to start, grow and develop a business.

Among the most valuable assets for any entrepreneur is the SBA's Small Business Development Center program. Over the past 25 years, the SBDCs have provided unique one-on-one counseling to over 11 million Americans helping new business start-ups, sustain struggling firms, and expand growth for existing firms.

Through a network of 63 lead centers and more than 1,100 service locations, the SBDCs deliver their services in all 50 States, as well as the District of Columbia, Puerto Rico, the Virgin Islands, Guam, and American Samoa. From financial management, to marketing to procurement assistance, the SBDCs tailor their counseling and training to the needs of the client in each local community.

In addition, the SBDCs have an extraordinary record of excellence. Having counseled and trained more than 50,000 business owners and entrepreneurs in 1980, today they counsel and train almost three-quarters of a million start-ups and existing small businesses annually. Moreover, in 2003, the SBDCs helped create and retain over 163,000 jobs across America.

In 2004 alone, the SBDCs in my home State of Maine assisted entrepreneurs in obtaining over $16 million in loans, helped create and retain over 700 jobs, counseled nearly 3,000 clients and held 200 training events. Just as there's no question that small businesses are the lifeblood of our economy, SBDCs are truly the lifeline for entrepreneurs.

As we celebrate the SBDCs 25th Anniversary, we must reaffirm our commitment to foster an environment that is favorable to economic growth and development for new and growing firms. On that note, the 36 percent cut in the SBA's budget over the last five years has been a step in the wrong direction, and it is a misjudgement I hope Congress will reverse. I will continue to fight to ensure that the SBA and its resource partners like the SBDCs obtain the valuable resources they deserve.

The challenges of starting a new business are surpassed only by the determination and ingenuity of America's entrepreneurs. By strengthening the SBA's core programs such as the SBDC program, we can encourage job growth and provide American small businesses an even greater opportunity to thrive and prosper.

Today I urge my colleagues to show their support for the Small Business Development Center program during their silver anniversary and support this Resolution. Small Business Development Centers are a critical component to strengthening our Nation's economy and creating American jobs, and they clearly deserve our accolades and recognition.

SENATE RESOLUTION 166—TO AUTHORIZE THE PRINTING OF A COLLECTION OF THE RULES OF THE COMMITTEES OF THE SENATE

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 166

Resolved, That a collection of the rules of the committees of the Senate, together with related materials, be printed as a Senate document, and that there be printed 500 additional copies of such document for the use of the Committee on Rules and Administration.

SENATE RESOLUTION 167—RECOGNIZING THE IMPORTANCE OF SUN SAFETY, AND FOR OTHER PURPOSES

Mr. MCCAIN (for himself and Mr. SUNUNU) submitted the following resolution; which was considered and agreed to:

S. RES. 167

Whereas Americans of all ages cherish the pleasures of outdoor activities, and too few recognize that overexposure to the sun and its ultraviolet radiation, classified by the Department of Health and Human Services as a known carcinogen, is the leading cause of skin cancer;

Whereas it is critically important to be safe in the sun because skin cancer is the fastest growing cancer in our country today, affecting 1 in 5 Americans during their lifetimes and killing 1 person every hour of every day;

Whereas more than 1,000,000 new cases of skin cancer will be diagnosed in the United States this year, accounting for nearly half of all new cases of cancer and exceeding the incidence of breast, prostate, lung, and colon cancer combined;

Whereas most people receive approximately 80 percent of their lifetime sun exposure by age 18, setting the stage for skin cancer later in life;

Whereas skin cancer is highly preventable by taking simple precautions when engaged in outdoor activities;

Whereas research demonstrates that practicing good sun safety has the potential to significantly reduce the risk of skin cancer;

Whereas the Sun Safety Alliance and its members have dedicated themselves to promoting sun safety, eliminating skin cancer from excessive sun exposure, and encouraging sun protection practices, especially among children; and

Whereas the Sun Safety Alliance has designated the week of June 5, 2005, to June 11, 2005, as National Sun Safety Week: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes

(A) the importance of sun safety; and

(B) the need for school-based sun safety education programs;

(2) encourages all Americans to protect themselves and their children from the dangers of excessive sun exposure;

(3) congratulates the Sun Safety Alliance for its efforts to promote sun safety and prevent skin cancer; and

(4) supports the goals and ideas of National Sun Safety Week.

SENATE CONCURRENT RESOLUTION 41—RECOGNIZING THE SACRIFICES BEING MADE BY THE FAMILIES OF MEMBERS OF THE ARMED FORCES AND SUPPORTING THE DESIGNATION OF A WEEK AS NATIONAL MILITARY FAMILIES WEEK

Mr. HAGEL (for himself and Mr. MARTINEZ) submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. CON. RES. 41

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

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

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

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

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

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

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

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

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

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition and Forestry be authorized to conduct a hearing during the session of the Senate on Thursday, June 9, 2005 at 2 p.m. in SR–328A. The purpose of this hearing will be to review the nominations of Mr. Walter Lukken and Mr. Reuben Jeffries to be commissioners of the Commodity Futures Trading Commission and also for Mr. Jeffries to be chairman of the Commission.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. SESSIONS. 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 Thursday, June 9, 2005, at 10 a.m. to mark up S. 582 ''The Little Rock Central High School Desegregation 50th Anniversary Commemorative Coin Act,'' and to vote on the nomination of Mr. Ben S. Bernanke, of New Jersey, to be a member of the Council of Economic Advisers; and Mr. Brian D. Montgomery, of Texas, to be assistant secretary of Housing/Federal Housing Commissioner, U.S. Department of Housing and Urban Development.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Review of General Aviation Security, at 11 a.m., on Thursday, June 9, 2005, in SR–253.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 9, 2005 at 10:30 a.m. to hold a hearing on nominations.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 9, 2005 at 2:30 p.m. to hold a hearing on the Western Hemisphere.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing during the session of the Senate on Thursday, June 9, 2005 at 10 a.m. in SD–430.

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

COMMITTEE ON THE JUDICIARY

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, June 9, 2005, at 9:30 a.m. in Dirksen Room 226.

Agenda

I. Nominations:

Terrence W. Boyle, II to be U.S. Circuit Judge for the Fourth Circuit; Brett M. Kavanaugh to be U.S. Circuit Judge for the District of Columbia; Rachel Brand to be an Assistant Attorney General for the Office of Legal Policy; Alice S. Fisher to be an Assistant Attorney General for the Criminal Division.

II. Bills:

S. 491, Christopher Kangas Fallen Firefighter Apprentice Act, Specter, Leahy;

S. 1181, Which is Section 8 of Openness Promotes Effectiveness in our National Government Act of 2005, Cornyn, Leahy, Feingold.

III. Matters:

Senate Judiciary Committee Rules.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, June 9, 2005, for a committee hearing to receive testimony on various healthcare-related bills pending before the Committee.

The hearing will take place in Room 418 of the Russell Senate Office Building at 10 a.m.

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

SUBCOMMITTEE ON BIOTERRORISM AND PUBLIC HEALTH PREPAREDNESS

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Subcommittee on Bioterrorism and Public Health Preparedness, be authorized to hold a hearing during the session of the Senate on Thursday, June 9, 2005 at 2 p.m. in SD–430.

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

PRIVILEGE OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Dan Stevens of my staff be granted floor privileges for the duration of today's session.

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

Mr. HATCH. Mr. President, I ask unanimous consent that the privilege of the floor be granted for the remainder of this session to Ken Valentine, a detailee from the Secret Service who is serving on my staff.

The PRESIDING OFFICER. Without objection, it is so ordered

UNANIMOUS CONSENT AGREEMENT—PRINTING OF STANDING RULES OF THE SENATE

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be directed to prepare a revised edition of the Standing Rules of the Senate, and that such standing rules be printed as a Senate document. I further ask unanimous consent that beyond the usual number, 2,500 additional copies of this document be printed for the use of the Committee on Rules and Administration.

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

AUTHORIZING THE PRINTING OF A COLLECTION OF THE RULES OF SENATE COMMITTEES

Mr. FRIST. I ask unanimous consent the Senate now proceed to the consideration of S. Res. 166, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 166) to authorize the printing of the collection of rules of the committees of the Senate.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. I ask unanimous consent the resolution be agreed to, the motion to reconsider be laid on the table, and any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 166) was agreed to, as follows:

S. RES. 166

Resolved, That a collection of the rules of the committees of the Senate, together with related materials, be printed as a Senate document, and that there be printed 500 additional copies of such document for the use of the Committee on Rules and Administration.

RECOGNIZING THE IMPORTANCE OF SUN SAFETY

Mr. FRIST. I ask unanimous consent the Senate now proceed to the consideration of S. Res. 167, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 167) recognizing the importance of sun safety, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 167) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 167

Whereas Americans of all ages cherish the pleasures of outdoor activities, and too few recognize that overexposure to the sun and its ultraviolet radiation, classified by the Department of Health and Human Services as a known carcinogen, is the leading cause of skin cancer;

Whereas it is critically important to be safe in the sun because skin cancer is the fastest growing cancer in our country today, affecting 1 in 5 Americans during their lifetimes and killing 1 person every hour of every day;

Whereas more than 1,000,000 new cases of skin cancer will be diagnosed in the United States this year, accounting for nearly half of all new cases of cancer and exceeding the incidence of breast, prostate, lung, and colon cancer combined;

Whereas most people receive approximately 80 percent of their lifetime sun exposure by age 18, setting the stage for skin cancer later in life;

Whereas skin cancer is highly preventable by taking simple precautions when engaged in outdoor activities;

Whereas research demonstrates that practicing good sun safety has the potential to significantly reduce the risk of skin cancer;

Whereas the Sun Safety Alliance and its members have dedicated themselves to promoting sun safety, eliminating skin cancer from excessive sun exposure, and encouraging sun protection practices, especially among children; and

Whereas the Sun Safety Alliance has designated the week of June 5, 2005, to June 11, 2005, as National Sun Safety Week: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes

(A) the importance of sun safety; and

(B) the need for school-based sun safety education programs;

(2) encourages all Americans to protect themselves and their children from the dangers of excessive sun exposure;

(3) congratulates the Sun Safety Alliance for its efforts to promote sun safety and prevent skin cancer; and

(4) supports the goals and ideas of National Sun Safety Week.

THANKING THE SPRING 2005 PAGES

Mr. FRIST. Mr. President, before we leave I want to give a final thanks to the page class of the spring of 2005. Tomorrow is a special day. They will be receiving their certificates and will be leaving us to return home. We rarely take that opportunity to say thank you for your service, and thus we do so tonight. They have done a tremendous job over the past several weeks. We thank them for their hard work.

I ask unanimous consent their names be printed in the RECORD.

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

Caroline Cannon, Luke Combellick, Preston Eldridge, Mimi Faller, Geraldine Flanagan, Mary Kathryn Flanagan, Trevor Garrett, Kyle Kilroy, Meg Lavin, Andrew Leciejewski, Natalie Nielson, Jimmy Peterson, Laura Sankovitch, Rylee Sommers-Flanagan, Will Sterling, Jared Tate, Natalie Walters, Don Willie, Kelly Bernero, Mark Hammons, Andrew Humphrey, Morandi Hurst, Heidi Klein, Tiffany Mason, Bryan Miller, Tyler Salisbury, Ellen Tyner, Emma Van Susteren.

ORDERS FOR MONDAY, JUNE 13, 2005

Mr. FRIST. I ask unanimous consent that when the Senate completes its business today, the Senate stand in adjournment until 2 p.m. Monday, June 13; I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then return to executive session and begin consideration of the nomination of Tom Griffith to be a United States circuit court judge for the DC Circuit as under the order.

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER (Mr. ISAKSON). The Democratic leader.

Mr. REID. Mr. President, as I expressed to the distinguished majority leader personally, and I say so today, and I have said so publicly on a number of occasions, I wish this week we had been working on something else. The

fact is, we have now what I consider a bump in the road out of the way. I am glad we are now going to move on to legislative business. We have so much to do in the next few, literally, weeks we have remaining in this legislative session.

I appreciate very much the people on both sides of the aisle allowing us to move forward on the Energy bill. It is a big piece of legislation that is vitally important to the people of America. Of course, in a big piece of legislation such as this, there will be problems, and certainly there will be in this bill.

Again, as I said previously, I am grateful to Senators DOMENICI and BINGAMAN for getting the bill to us initially. It is a bill that is developed by consensus of the committee. That speaks well of both Senator DOMENICI and Senator BINGAMAN and the members of the committee. That is going to be some heavy lifting in legislative terms.

The distinguished majority leader has set a very high mark for the Senate before we leave here. He wants to finish at least two appropriations bills. I think it is possible we can do three appropriations bills. I hope we can do that. If we can get rid of—I say that in a most positive sense—the Homeland Security, the Energy, water, and Interior bill, and it does not matter what order, that would be good work for this work period.

I also express to the distinguished majority leader my appreciation for his hard work. We are not there yet. But we hope we can arrive at some agreement on stem cell research during that work period. It would make everything move a little more quickly if we do that. The leader is working on that. I am working on that. I hope we can, maybe in the next week, agree on something that will allow us to do that so we do not have a lot of hurdles thrown up in other legislation because of that.

The PRESIDING OFFICER. Does the Senator withdraw his reservation?

Mr. REID. I do.

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

Mr. FRIST. Mr. President, briefly in response—really in agreement—as we heard from the Democrat leader, we have a lot to do. We have an ambitious agenda with a superb piece of legislation that we bring to the Senate early next week, the Energy bill, which addresses gasoline prices, energy independence, a move toward energy independence, issues important to the American people.

In addition to appropriations bills, the Democratic leader mentioned stem cell research. I add to that the Department of Defense authorization which is ready for consideration. Asbestos—the distinguished Senator from Pennsylvania who was just here, Senator SPECTER, has worked so hard on that particular bill. That is important to job creation, to health care, to getting benefits to people who need it. We have a lot to do. I look forward to beginning that process.

Next week, we have one more judge, Thomas Griffith, on Monday. Then we can go to the Energy legislation. So we have an ambitious agenda, but we are working together and we have made a huge amount of progress in the last week.

Mr. REID. Will the Senator yield?

Mr. FRIST. I yield.

Mr. REID. It has been brought to my attention that we also have to do in the next few weeks the Native Hawaiian legislation we talked about that we would help Senator AKAKA on; also, we have a couple of hours the Majority Leader has agreed to set aside for the China trade issue with Senator SCHUMER. Those things I am sure we can work in, but those are things we have to keep in mind that we have to do.

Mr. FRIST. Mr. President, as you can see, the list is huge. We are going about it systematically, in discussion on a regular basis with the Democratic leader. That is the way we will continue as we address many issues important to the American people.

NATIONAL MILITARY FAMILIES WEEK

Mr. FRIST. Mr. President, I ask unanimous consent the Senate now proceed to consideration of H. Con. Res. 159 which was received from the House.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 159) recognizing the sacrifices being made by the families and members of the Armed Forces and supporting the designation of a week as National Military Families Week.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. I ask unanimous consent the concurrent resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The concurrent resolution (H. Con. Res. 159) was agreed to.

The preamble was agreed to.

PROGRAM

Mr. FRIST. On Monday, the Senate will consider the Griffith nomination to the D.C. Circuit. There will be up to 4 hours of debate on the nomination on Monday afternoon. Then we will set the nomination aside with a confirmation vote occurring on Tuesday morning at 10 a.m.

At 6:30 p.m. Monday evening, the Senate will proceed to S. Res. 39 relating to antilynching. That resolution will not require a rollcall vote and therefore there will be no votes on Monday. On Tuesday, we will begin the Energy bill. Chairman DOMENICI and Senator BINGAMAN will be ready to consider amendments on Tuesday in order to make headway on that important bill. I encourage Senators to come forward early with their amendments and to contact the managers of their intent to offer specific amendments.

ORDER FOR ADJOURNMENT

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order, following the remarks of Senator DEWINE for up to 15 minutes and Senator SALAZAR to follow Senator DEWINE for up to 10 minutes.

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

The Senator from Ohio.

FILIBUSTER AGREEMENT

Mr. DEWINE. Mr. President, we have just seen a major accomplishment in the Senate in the last several weeks: the confirmation of five nominees to serve on the Federal bench. These confirmations were achieved after a historic agreement was reached in the Senate, an agreement that allowed us to proceed.

We have seen five individuals confirmed by the Senate—Priscilla Owen, Janice Rogers Brown, William Pryor, David McKeague, and Richard Griffin. The majority leader has indicated that Thomas Griffith will be on the Senate floor shortly and we will take up that nomination.

This represents a major accomplishment and a major change in the way the Senate has been doing business. This shows bipartisanship. This is a step forward. It is progress.

As one of the 14 Senators involved in negotiating the recent compromise agreement on the use of filibusters to block judicial nominations, I am very pleased to see this progress and to see what has happened since this agreement was reached. As everyone knows, of these five nominations, several of them have been held up for years. Two I have a particular interest in come from the Sixth Circuit from the States of Ohio, Michigan, Kentucky, and Tennessee. These two come from the State of Michigan but are part of the Sixth Circuit which has had vacancies for many years. Now we have these two positions filled.

I am pleased to see this progress we have been making the last 2 weeks on nominations but also the progress we have been making in the Senate on other matters, as well. I think it is good for the country.

The agreement that we entered into not only cleared the field for the President's judicial nominations, some of whom, as I have said, have been waiting for over 4 years, but by avoiding confrontation it also allowed the people's agenda to move forward. And that is a very important matter.

Already, since the agreement was reached, the Senate Judiciary Committee has passed out of the committee

the asbestos bill, and the Senate Energy and Natural Resources Committee has passed the Energy bill.

Now, as someone who was in the room for the negotiations of the filibuster agreement, I would like to take just a few moments to talk about what happened, why I was involved, and where we go from here. Candidly, I became involved in the negotiations because I was not satisfied with what I had seen in the Senate over the last few years. Everyone got in the negotiation, I am sure, for different reasons. I am just speaking for myself. I believed that judges were not getting voted on in the Senate, that the circuit court judges were not being acted upon when they should have been, that many of them were being denied an up-or-down vote. I believed the filibuster was being used in excess to block their nominations. I felt that the status quo was simply not acceptable, that we could no longer continue down that path.

Well, what was the solution? How were we going to get judges voted on in the Senate? The status quo abuse of the filibuster, which I felt clearly was an abuse of the filibuster, was not acceptable to me. I was prepared to take action to deal with that. Yet I felt that, in the best interests of the Senate and the Nation, it was really not in the best interests of the Nation or the Senate to totally change the rules and totally eliminate the filibuster, if we could avoid that. I felt what we needed basically was a resolution to this crisis, a new option or alternative that could restore the Senate to where it was when I entered the Senate a decade ago. That was a Senate where the possibility of a filibuster for judicial nominations was there but hardly ever used.

I believe that is exactly what we were able to achieve with the agreement.

During our negotiations, we agreed that a filibuster for a judge should not be used unless under extraordinary circumstances. Furthermore, we made sure the agreement included a provision that if the terms of the agreement were violated, and a judge was filibustered in circumstances that an individual Member considered not to be extraordinary—in other words, if MIKE DEWINE or any Member considered that another Member was filibustering a judge under a circumstance that was not extraordinary, that I or any Member had the right to pull out of that agreement and to go back and say: I am going to use the constitutional option to change the practice, the precedent of the Senate.

That was my right. I insisted on that when I entered the negotiations. I felt that was important and that was the only way I could be a part of the negotiations.

So let me make that very clear. The constitutional option was on the table, and it does remain on the table today. There was never any question in my mind about that. In fact, let me repeat exactly what I said at the press conference that the group held on May 23, right after we had reached our agreement. This is what I said that evening at that press conference when everyone was there, at least 12 of the 14 people who had reached the agreement. This is what I said. I quote myself:

> This agreement is based on good faith—good faith among people who trust each other. And, it's our complete expectation that it will work. Senators have agreed that they will not filibuster except in extraordinary circumstances. We believe that will, in fact, work. Some of you who are looking at the language may wonder what some of the clauses mean. The understanding is—and we don't think this will happen—but if an individual Senator believes in the future that a filibuster is taking place under something that's not extraordinary circumstances, we, of course, reserve the right to do what we could have done tomorrow, which is to cast a yes vote for the constitutional option. I was prepared to do that tomorrow if we could not reach an agreement.

Mr. President, let me also quote from the May 30, Washington Post article by Dan Balz. He wrote the following about the agreement:

> [Senator] DeWine, Senator Lindsey Graham have disputed the assertion . . . that the nuclear option is off the table. DeWine said he explicitly raised the issue just before the group announced the deal.

Balz then quotes me:

> I said at the end, ''Make sure I understand this now, that . . . if any member of the group thinks the judge is filibustered under circumstances that are not extraordinary, that member has the right to vote at any time for the constitutional option.'' Everyone in the room understood that.

Now, the article goes on to say—again, Dan Balz's article in the Washington Post—

> Senator Mark Pryor, [a Democrat and] another member of the group [of 14], concurred, saying that while he hopes the nuclear option is gone for the duration of the 109th Congress, circumstances could bring it back.

Quoting Senator PRYOR:

> I really think Senator DeWine and Senator Graham have it right.

Mr. President, Members of the Senate, Senate Majority Leader FRIST also agrees with this assessment. He said, in this May 30 article by Dan Balz:

> The nuclear option remains on the table. It remains an option. I will not hesitate to use it, if necessary.

And later, Senator FRIST was quoted in the June 5 New York Times from his comments in a speech at Harvard University, as follows. This is Senator FRIST:

> The short-term evaluations, I believe, will prove to be shortsighted and wrong after we get judge after judge after judge after judge through, plus at least one Supreme Court nominee and an energy bill . . . and we will get Bolton.

Mr. President, Members of the Senate, as the recent judicial confirmation votes in the Senate demonstrate, the majority leader is right. We are getting things done. We are getting things done because this agreement was negotiated in good faith by good people who want to get things done, who want to proceed step by step. It was negotiated in good faith by Members working together in the best interests of this Senate and of our Nation. It is a good agreement, one that has enabled us in the Senate to get back to doing the business of the people, for the people. That is what the American people expect, and it certainly is what the American people deserve.

We have made progress. We have been able to confirm judges and bring to the floor of this Senate for up-or-down votes three judges who have been held up for years and two other judges in a circuit, the Sixth Circuit, in Ohio and three other States, that has suffered from a lack of judges on the Sixth Circuit for years, with many vacancies. Today, we filled two of those vacancies. That makes a difference. We are making progress.

I am not arrogant enough to come to the floor today and say that everything is going to work out perfectly. I don't know that it will. I don't have a crystal ball. I just know that we have come a ways. We have taken some steps. We have made some progress. I believe we can rely on the good faith of Members to try to continue to work together, continue to make progress, and continue to try to exercise good faith.

We have set a bar now, a standard. Seven Members of the Senate on each side have said they will not filibuster except under extraordinary circumstances. That is something that had not been set before. That is the bar. No, it is not specifically defined. I understand that. But at least there is a bar. It is an understanding. That is progress. It is a recognition that the filibuster is not something just to be used; it is something to be used only in very rare cases. You have to use it after you think long and hard about it. It is the recognition of 14 people that they will only use that filibuster after thinking long and hard. That is progress.

What we have seen with these five judges is progress. So we celebrate tonight progress, not total victory. You are never done in the Senate. We are always trying to move forward. But at least we should stop for a moment tonight and say: We have made progress. We have come this far. We know we have a ways to go, but here we are, at least.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, let me at the outset say that I am proud that I was 1 of the 14 Members who signed the agreement just referred to by my good friend from Ohio. In the signing of that agreement, one of the things that brought people together was the concept of respect for each other, mutual respect for our colleagues in this Chamber, mutual respect for the people of America.

As we have gone through the debate on the confirmation of judges over the last several days, I have seen debate

within this body as well as debate among some of the constituent groups that I have found troublesome because it goes to the heart of the kind of respect we should afford each other in this Chamber.

I have heard statements that those who happened to be opposed to Bill Pryor, for whom I voted, were opposed to him because he was anti-Catholic. I heard statements made that some of my Democratic colleagues who were opposed to Janice Rogers Brown were opposed to her because she was African American. I submit that nothing could be further from the truth. In fact, when those kinds of statements emanate from Members of this Chamber or when they emanate from some of the constituent groups that follow us, it is a violation of the respect we should afford each other.

I, too, am hopeful that as we move forward in the consideration of other judges and other matters, that kind of hurtful, vitriolic, and unwarranted attack on each other is something we will not see again. If we can establish that kind of collegiality within this body, we can, in fact, return to those days when we had people working across the aisle to solve the common problems that faced Americans, regardless of whether they were Democrats, Independents, or Republicans. It is that kind of ethic I hope is embraced as we move forward in deliberations.

HONORING OUR ARMED FORCES

STAFF SERGEANT JUSTIN L. VASQUEZ

Mr. SALAZAR. Mr. President, I rise to speak for a moment about a brave American who lost his life earlier this week. His name is SSG Justin L. Vasquez. Staff Sergeant Vasquez was killed this past Sunday when a roadside bomb exploded near his military vehicle.

Staff Sergeant Vasquez was 26, and from the small town of Manzanola, CO, near La Junta, along the Arkansas River. He was a member of the 3rd Squadron, 3rd Armored Cavalry Regiment out of Fort Carson, CO.

He aspired to become an FBI agent, to continue his career of helping to protect people. He even considered becoming a lifetime military man. Regardless of whether he chose the FBI or stayed in the military, he was clearly motivated by patriotism and was making service to our great country and our security his career.

Staff Sergeant Vasquez was always a patriot who chose to put his country over himself. He enlisted at 18, and after his first tour of Iraq reenlisted for a second 6-year stretch with the Army in 2003.

Consider that, Mr. President. We are learning everyday that the Army is having trouble meeting its recruiting goals because of the demands of deployments in Iraq and Afghanistan. Staff Sergeant Vasquez chose to re-up for service after having been to Iraq and knowing he was in all likelihood heading back to Iraq.

During this, his second tour in Iraq, Staff Sergeant Vasquez was serving as a commander of a team of Bradley Fighting Vehicles.

Earlier this year, Staff Sergeant Vasquez was selected as one of nine soldiers from Colorado profiled by the Rocky Mountain News during their service in Kuwait. The paper noted that Staff Sergeant Vasquez had ''arguably, the toughest job in First Platoon, if not in all of Lightning Troop''—working with new enlistments fresh out of boot camp.

But perhaps most importantly, Staff Sergeant Vasquez was a leader. Among the nine men under his command, five were new enlistments on their first tour. He would spend much of his time during the days training the inexperienced scouts, helping to build their confidence in their mission and their actions.

Staff Sergeant Vasquez was shaping nervous boys into confident young men, creating leaders for our cities and towns, businesses and PTA boards. He had every confidence in his men and inspired them to have confidence in themselves and their mission.

In his short life, Sergeant Vasquez was a living role model of what each of us in this Chamber hopes to become: a champion for something other than ourselves, a champion for an ideal—freedom—bigger than anyone person.

All of Colorado is saddened by the loss of SSG Justin Vasquez, but we also celebrate everything that he stood for. He served his Nation with honor and distinction, and set an example to which we can all aspire. He will be missed by his family and friends and the men whom he led. Today, they are all in our thoughts and prayers.

I thank the Chair and yield the floor.

ADJOURNMENT UNTIL 2 P.M. MONDAY, JUNE 13, 2005

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 2 p.m. on Monday, June 13, 2005.

Thereupon, the Senate, at 6:27 p.m., adjourned until Monday, June 13, 2005, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate June 9, 2005:

DEPARTMENT OF STATE

HENRY CRUMPTON, OF VIRGINIA, TO BE COORDINATOR FOR COUNTERTERRORISM, WITH THE RANK AND STATUS OF AMBASSADOR AT LARGE, VICE J. COFER BLACK.

RONALD SPOGLI, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ITALIAN REPUBLIC.

ROBERT H. TUTTLE, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND.

EXECUTIVE OFFICE OF THE PRESIDENT

BENJAMIN A. POWELL, OF FLORIDA, TO BE GENERAL COUNSEL OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE. (NEW POSITION)

IN THE AIR FORCE

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

RONALD H. ALFORS, 0000
DAVID M. BANDINI, 0000
JOHN P. BARTHOLF, 0000
WILLIAM C. BENTON, 0000
KEVIN J. BROWN, 0000
STEVEN P. BULLARD, 0000
WILLIAM F. BURNS II, 0000
DEBORAH L. CARTER, 0000
TERRI L. CHANEY, 0000
JAMES A. CLIFFORD, 0000
KENNETH J. DALE, 0000
THOMAS R. DALTON II, 0000
CHARLES A. DENMAN, 0000
CHARLES E. FOSTER, JR., 0000
ROBERT M. GINNETTI, 0000
ROBERT L. GOULD, 0000
JONATHAN H. GROFF, 0000
MARK D. HAMMOND, 0000
WILLIAM A. HARDIN, 0000
HOWARD A. HAYES, 0000
CHRIS R. HELSTAD, 0000
WILLIAM O. HILL, 0000
KERRY M. HOLLOMON, 0000
STANLEY V. HOOD, JR., 0000
RICHARD B. HOWARD, 0000
KEVIN J. KEEHN, 0000
DAVID T. KELLY, 0000
JOHN E. KEOSHIAN, 0000
PAUL M. KERWIEN, 0000
JOSEPH K. KIM, 0000
MICHAEL KOLESSAR, 0000
JEFFREY A. LEWIS, 0000
PAUL A. MACKEY, 0000
RICKY J. MAFFEI, 0000
KEITH P. MARTIN, 0000
CORNELIUS T. MULLANEY, 0000
GREGORY L. NELSON, 0000
MICHAEL L. OGLE, 0000
THEODORE S. ORKIN, JR., 0000
BRADLEY E. PETERSON, 0000
DANN D. PETTIT, 0000
MARK A. REMICK, 0000
CATHY M. RODRIGUEZ, 0000
ROBERT S. SHAFER, JR., 0000
ROBERT L. SHANNON, JR., 0000
HENRY A. SMART, JR., 0000
CHRISTOPHER D. SWADENER, 0000
MILES F. SYMONDS, 0000
JOHN H. THEISEN, 0000
NILDA E. URRUTIAESTRANY, 0000
MICHAEL L. WAGGETT, 0000
CATHERINE O. WATTS, 0000
SUSAN L. WEHRLE, 0000
DONALD S. WENKE, 0000
TOMMY R. WILLAFORD, 0000
ROBERT S. WILLIAMS, 0000
WANDA A. WRIGHT, 0000
DAVID R. ZARTMAN, 0000

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

GREGORY H. BLAKE, 0000
JON C. BOWERSOX, 0000
JOHN S. CRAMER, 0000
WILLIAM W. DODSON, 0000
ANDREW L. JUERGENS, 0000
JOHN S. MCCULLOUGH, 0000
JOHN MIRABELLO, 0000
JOSEPH M. PASCUZZO, 0000
JOHN H. RUMMEL, 0000
JOHN E. TORRES, 0000
PAUL E. TURNQUIST, 0000

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

GARY D. DAVIS, 0000

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

JOHN A. CAVER, 0000
THOMAS B. DUNHAM, 0000

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

GRETCHEN S. DUNKELBERGER, 0000
LINDA G. LITTLE, 0000
JANET I. SESSUMS, 0000

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

WILLIAM F. EVANS, 0000
LESLIE R. HYDER, 0000

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

WILBERT W. EDGERTON, 0000
BRUCE C. EVANS, 0000
JAMES D. HILL, 0000
MICHAEL W. LLOYD, 0000
CLYDE W. MATHEWS, 0000
SUZANNE PETERS, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C. SECTIONS 624, 531, AND 3064:

To be lieutenant colonel

WILLIAM P. * ADELMAN, 0000
JAY T. * ALLEN, 0000
PETER J. * ALLEN, 0000
BRYAN J. * ALSIP, 0000
SCOTT R. * ANTOINE, 0000
KARLA * AUYEUNG, 0000
VERONICA R. BAECHLER, 0000
DARREN S. BARONI, 0000
ANDREW M. * BARR, 0000
ROBERT M., * BAUER II, 0000
JOHN G. BEAUMAN, JR., 0000
PHILIP M. * BECK, 0000
MICHAEL R. BELL, 0000
JASON L. * BLASER, 0000
EARL F. * BRAUNLICH, 0000
ELIZABETH L. * BRILL, 0000
SCOTT A. * BRILL, 0000
JOSEPH G. BROOKS, 0000
DAVID L. BROWN, 0000
LINDA L. BROWN, 0000
TOMMY A. * BROWN, 0000
BRIAN S. * BURLINGAME, 0000
JEFFREY B. * BURNETTE, 0000
JEFFREY M. CALLIN, 0000
DARREL K. CARLTON, 0000
BRENNAN * CARMODY, 0000
STEVEN B. * CERSOVSKY, 0000
YONG K. * CHA, 0000
JAMES R. * CHATHAM, JR., 0000
RAYMOND I. * CHO, 0000
ERIN L. CLARK, 0000
GARY * COLLINS, 0000
ROSS E. * COLT, 0000
STEPHEN J. CONNER, 0000
LANCE E. * CORDONI, 0000
WILLIAM G. * COSTELLO, 0000
ERIC A. CRAWLEY, 0000
MARK A. * CRISWELL, 0000
MARK D. * CUMINGS, 0000
GEORGE R. * CUNNINGHAM, 0000
LOUIS A. DAINTY, 0000
JOHN G. DEVINE, 0000
WILLIAM C. * DIXON IV, 0000
NHAN V. * DO, 0000
MICHAEL D. DULLEA, 0000
ANTHONY * ECLAVEA, 0000
ROBERT J. * ENSLEY, 0000
EDWARD M. FALTA, 0000
DAVID * FONTAINE, 0000
ELIZABETH * FRANCO, 0000
WILLIAM C. FREY, 0000
HAROLD * FRISCH, 0000
RONALD A. * GAGLIANO, JR., 0000
DONALD A. * GAJEWSKI, 0000
CHRISTOPHER * GALLAGHER, 0000
ALAN P. * GEHRICH, 0000
SCOTT A. * GERING, 0000
DOMINADOR G. GOBALEZA, 0000
ROBERT J. * GRAY, 0000
KENNETH A. GRIGGS, 0000
RICHARD A. GULLICK, 0000
LEONARD L. HALL, 0000
RAYMOND J. * HARSHBARGER, 0000
CHRISTOS * HATZIGEORGIOU, 0000
FRANKLIN H. * HAUGER, 0000
KEITH A. * HAVENSTRITE, 0000
CHARLES G. * HENDERSON, 0000
THOMAS S. HEROLD, 0000
MARK L. * HIGDON, 0000
EDMUND W. * HIGGINS, 0000
SIDNEY R. * HINDS II, 0000
JEFFREY K. * HUBERT, 0000
AVA * HUCHUN, 0000
VICTORIA R. * HUGHES, 0000
THEODORE * KIM, 0000
SANDRA G. * LAFON, 0000
FREDERICK W. * LARSEN, 0000
MICHAEL T. LATZKA, 0000
GARTH W. LECHEMINANT, 0000
SEAN K. LEE, 0000
KEITH T. * LONERGAN, 0000
BRUCE L. LOVINS, 0000
MATTHEW J. * MARTIN, 0000
PAUL T. MAYER, 0000
SCOTT C. * MCCALL, 0000
ERIC D. * MCDONALD, 0000
JEROME M. * MCDONALD, 0000
ROBERT C. * MCKENZIE, JR., 0000
SHARON P. MCKIERNAN, 0000
JAMES A., * MCQUOWN, JR., 0000
PATRICK C. * MELDER, 0000
MARGRET E. * MERINO, 0000
JOEL E. MEYER, 0000
BART J. * MEYERS, 0000
MITCHELL S. * MEYERS, 0000
MARTIN R. * MOON, 0000
RONALD V. * MORUZZI, 0000
LAURA T. * MULREANY, 0000
TIMOTHY J. * MURPHY, 0000
SHAWN C. NESSEN, 0000
JAMES A. * OLIVERIO, 0000
KEITH J. * OREILLY, 0000
ERIC M. OSGARD, 0000
MICHAEL S. OSHIKI, 0000
EDMOND L. * PAQUETTE, 0000
ROBERT M. * PARIS, 0000
REAGAN R. * PARR, 0000
RAYFORD A. * PETROSKI, 0000
BRIAN T. * PIERCE, 0000
BARRY R. POCKRANDT, 0000
CHRISTIAN POPA, 0000
SHAUN A. * PRICE, 0000
MICHAEL W. QUINN, 0000
WILLIAM J. * QUINN, 0000
KEVIN C. * REILLY, SR., 0000
THOMAS A. RENNIE, 0000
DAVID E. RISTEDT, 0000
LUIS R. * RIVERO, 0000
MARK A. ROBINSON, 0000
JOSEPH A. * RONSIVALLE, 0000
STUART A. ROOP, 0000
STEPHEN D. * ROSE, 0000
MICHAEL G. * ROSSMAN, 0000
EARLE G. SANFORD, 0000
GARRY H. * SCHWARTZ, 0000
PAUL T. * SCOTT, 0000
DANIEL S. * SENFT, 0000
JAMES J. * SHEEHAN, JR., 0000
PETER J. * SKIDMORE, 0000
BRYAN C. * SLEIGH, 0000
KEVIN C. * SMITH, 0000
LISA H. * SMITH, 0000
JOSEPH C. * SNIEZEK, 0000
AARON L. STACK, 0000
JOHN * STATLER, 0000
MARGARET M. * SWANBERG, 0000
ALBERT W. TAYLOR, 0000
KENNETH F. TAYLOR, JR., 0000
RICHARD J. * TEFF, 0000
BRIAN T. THEUNE, 0000
JOHN E. * TIS, 0000
BRIEN W. TONKINSON, 0000
DAVID A. * TWILLIE, 0000
TRENT J. TWITERO, 0000
SCOTT D. UITHOL, 0000
TODD J. VENTO, 0000
SIDNEY L. * VINSON, 0000
STEVEN A. * WAGERS, JR., 0000
GARY R. * WALLACE, 0000
DAVID T. * WARD, 0000
MICHAEL A. WEBER, 0000
MARK J. * WEHRUM, 0000
STEPHEN J. * WELKA, 0000
DANIEL W. WHITE, 0000
JAY F. * WIGBOLDY, 0000
RICHARD H. WILKINS, 0000
HEATHER R. * WILLIAMS, 0000
PATRICK WILLIAMS, 0000
MICHAEL D. * WIRT II, 0000
MICHAEL M. * WOLL, 0000
PATRICK J. * WOODMAN, 0000
MICHAEL P. WYNN, 0000
CAROL R. * YOUNG, JR., 0000
STANLEY M. * ZAGORSKI, 0000
DAVID C. ZENGER, 0000
JOSEPH J. * ZUBAK, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AS CHAPLAINS AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C. SECTIONS 624, 531, AND 3064:

To be lieutenant colonel

TERRY W. AUSTIN, 0000
SHERMAN W. BAKER, JR., 0000
PETER A. BAKTIS, 0000
DAVID R. BEAUCHAMP, 0000
KEN BELLINGER, 0000
DEAN E. BONURA, 0000
JEFFERY T. BRUNS, 0000
NEAL J. * BUCKON, 0000
BRUCE W. CHAPMAN, 0000
GARRY R. DALE, 0000
DAVID G. EPPERSON, 0000
DAVID J. GIAMMONA, 0000
MATTHEW M. GOFF, 0000
GARY HENSLEY, 0000
JEFFREY D. HOUSTON, 0000
KEITH A. JACKSON, 0000
LEON G. KIRCHER, 0000
ALLEN L. KOVACH, 0000
RONALD P. LEININGER, 0000
ROBERT J. MEYER, 0000
STEVEN F. MICHALKE, 0000
PETER L. MUELLER, 0000
ROBERT L. POWERS, JR., 0000
KENNETH F. REVELL, 0000
FRANK R. * SPENCER, 0000
MICHAEL E. STROHM, 0000
DANIEL E. WACKERHAGEN, 0000
ROY T. WALKER, 0000
ROBERT C. WARDEN, 0000
TERRY L. WHITESIDE, 0000
PAUL J. YACOVONE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C. SECTIONS 624, 531, AND 3064:

To be lieutenant colonel

SCOTT W. * BURGAN, 0000
RAFAEL * CARABALLO, 0000
YOUNG M. * CHO, 0000
VENNIS D. * COSBY, 0000
GEORGIA G. * DELACRUZ, 0000
WILLIAM J. * DEMSAR, 0000
MICHAEL T. * EVANS, 0000
DAVID C. * FLINT, 0000
DAN C. * FONG, 0000
GARY D. * GARDNER, 0000
MICHELLE T. * ICASIANO, 0000
BRYAN P. KALISH, 0000
KIMBERLY W. * LINDSEY, 0000
MANUEL * MARIEN, 0000
CRAIG G. * PATTERSON, 0000
JULIE A. * SMITH, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

ROBERT D. DUNSTON, 0000

CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, June 9, 2005:

THE JUDICIARY

WILLIAM H. PRYOR, JR., OF ALABAMA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE ELEVENTH CIRCUIT.

RICHARD A. GRIFFIN, OF MICHIGAN, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT.

DAVID W. MCKEAGUE, OF MICHIGAN, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT.

EXTENSIONS OF REMARKS

CONGRATULATING WCMT–AM ON ITS 2005 CRYSTAL AWARD

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. TANNER. Mr. Speaker, I hope you will join me today in honoring WCMT–AM, in Martin, Tennessee, for being named a 2005 Crystal Award Winner by the National Association of Broadcasters. As you know, this very prestigious award recognizes those radio stations that provide outstanding public service to their communities, and we are proud that WCMT is receiving this honor.

WCMT is a treasure for West Tennessee because of its focus on those who live in Weakley County and the surrounding areas. The station's news programming has long been an excellent source of information for West Tennesseans, and its community outreach efforts have been invaluable to many of our fellow residents. It is locally owned and operated by Thunderbolt Broadcasting, whose president and general manager, Paul Tinkle, is a long-time friend of mine and a true leader in Weakley County.

WCMT–AM is a past recipient of the Weakley County Chamber of Commerce's Business of the Year Award and a four-time finalist for the NAB Crystal Award, with which it is now being honored. Mr. Speaker, please join me in recognizing the decades of dedicated broadcasting excellence and community service that have helped WCMT earn this celebrated honor.

A TRIBUTE TO NICOLAS ABREU

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. TOWNS. Mr. Speaker, I rise to acknowledge Nicolas Abreu.

Nicolas Abreu was born on the beautiful island of the Dominican Republic to Hobo and Nicolasa Abreu. On February 19, 1979, the entire family migrated to New York in order to pursue a better life.

His first job, as a waiter in a local restaurant, lasted for nine years. Remembering the vision of his parents led him to resign from his restaurant job and go to work at the family run Auto Dealer establishment.

On November 14, 1981, Nicolas Abreu married Luz at St. Michael's Roman Catholic Church. Together, they are the proud parents of three children.

Continuing the family legacy, in 1991, Mr. Abreu opened his own auto sales business in Brooklyn, naming it "Diana Auto Sales" after his daughter. Business was good and by the mid 1990s Nicolas opened his second used car sales establishment, Crystal Motors Inc., named after his niece.

Mr. Abreu also leads by example in his spiritual life. He is an Extra Ordinary Minister at St. Michael's Roman Catholic Church, where he and his family worship. He is the founding member of the EMAUS (a men's group in the church whose role is to get men involved in activities in the church).

He owes his success to his parents for their vision and dedication to their children; if it were not for his parent's foresight he would not be where he is today. Mr. Speaker, Nicolas Abreu recognizes the importance of family, hard work, respect for the community and courage makes him more than worthy of our recognition today.

IN HONOR OF MR. JOHN HANSON

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. FARR. Mr. Speaker, I rise today to honor an invaluable member of my community, Mr. John Hanson. Mr. Hanson is a Building Maintenance Specialist from the City of Carmel-by-the-Sea, and has recently completed a tour of duty in Iraq with the Army National Guard. Sergeant First Class Hanson's unit was called up in late 2003 and he served in Iraq for 16 consecutive months.

Mr. Hanson has been with the City of Carmel-by-the-Sea since 1988 and was well supported by his wife, Annette, his two children, and his community. Mr. Hanson has not only served his country with honor, but has met some of the humanitarian needs of the Iraqis that he has come in contact with. While he was in Iraq, John supported, with the assistance of his family at home, an Iraqi school with shipments of items like flip-flops, tank tops, and school supplies. For having endured an extended time away from his family and friends, the City of Carmel-by-the-Sea has awarded him a key to the City.

Through his enormous sense of decency, fairness, generosity, and commitment to his country, Mr. John Hanson has been an asset to everyone that he has touched. Mr. Speaker, it is truly an honor to recognize Sergeant First Class John Hanson.

HONORING THE NATIONAL ORGANIZATION OF ITALIAN AMERICAN WOMEN AS THEY CELEBRATE THEIR 25TH ANNIVERSARY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Ms. DELAURO. Mr. Speaker, it is with great pride that I rise today to join all of those who have gathered in congratulating the National Organization of Italian American Women as they celebrate their 25th Anniversary. This is a very special milestone for this outstanding organization.

Twenty-five years ago, a small group of Italian American women gathered in the Upper West Side apartment of Aileen Riotto Sirey. That meeting and their desire to assist other Italian American women and develop a nationwide network of women sharing a common ancestry sparked the formation of the National Organization of Italian American Women. Through their commitment to this effort, NOIAW members have developed a very successful scholarship and mentoring program and also offer a variety of educational and social programs. Today, NOIAW has a strong membership and is well-known as a resource for other Italian American women pursuing their own educational and professional aspirations.

Throughout our nation's history, Italian Americans have played a pivotal role in the success and progress of America. The myriad of invaluable contributions that those of Italian ancestry have made to this nation are immeasurable. Musicians, artists, doctors. lawyers, politicians, teachers, activists, and more—the credits of Italian Americans can be found in professional and civic services across America. As an annual celebration of pride in their ethnic heritage, NOIAW recognizes the achievements of today's outstanding Italian Americans.

As they mark their 25th Anniversary, NOIAW will also honor three inspiring individuals who have each distinguished themselves in their respective careers. Lisa Caputo Nowak is an astronaut and Commander in the U.S. Navy and will become the first Italian American woman in space with the launch of STS–21 to the International Space Station in the near future. Patricia de Stacy Harrison is the current Assistant Secretary, Bureau of Educational and Cultural Affairs. Prior to her appointment, she founded and managed a top public relations firm and has also served as the Co-Chair of the Republican National Committee. NOIAW's Special Recognition Award will be presented to Antonio Giordano, M.D., Ph.D., Director of the Sbarro Institute for Cancer Research and Molecular Medicine. Dr. Giordano is internationally renowned for his research in cell cycle, gene therapy, and the genetics of cancer. The accomplishments of these individuals and their outstanding contributions to our nation will certainly stand as an inspiration for generations to come.

In sharing and celebrating our ethnic heritage, NOIAW has built a strong network of women and supporters who are ensuring that future generations can achieve their dreams. Their mission to support, mentor, and encourage the professional and personal success of other Italian American women is making a real difference in the lives of thousands of women throughout the country. It is with great pride that I stand today and extend my sincere congratulations to the National Organization of Italian American Women on their 25th Anniversary. In just a short time they have already touched the lives of so many, and I send my

very best wishes to the Board and its membership for many more years of success!

IN HONOR AND RECOGNITION OF SHERIFF GERALD T. MCFAUL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in tribute of Sheriff Gerald T. McFaul for the exemplary service he has shown to our community during his 38 years in public office. As the longest serving sheriff in Cuyahoga County history, Gerald has been a vital asset to our community.

In 1957, only two weeks out of high school, Gerald started an apprenticeship at the Pipefitters Local 120 and has been a proud member for 53 years. At the same time he ran for Cleveland City council—and lost. But Gerald was committed to helping his community and on his third try won a seat, which he kept for five consecutive terms.

At 31, he became the youngest Majority Leader in Cleveland City Council history. I too at age 31 was elected to a public office in Cleveland, when I was voted the youngest mayor ever of a major American city. So I can tell you personally that this speaks volumes to his character.

Because Gerald is interested in justice issues and having a desire to stop racist practices in the police department he decided to run for sheriff. He was elected in 1976 and has been in office for more than 28 years.

Sheriff McFaul is a pillar of our community and has worked to keep the streets of Cuyahoga County safe with the utmost respect for the rule of law and the people of this fine county.

Mr. Speaker, I am truly pleased that the people of Cuyahoga County turned to Gerald T. McFaul, to serve as sheriff for more than 28 years. Please join me today in honor and recognition of a person who has willingly assisted the residents of Cuyahoga County for nearly four decades.

HONORING CITRUS COUNTY SHERIFFS OFFICE, CITRUS COUNTY, FL

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor the Sheriffs Office in Citrus County, FL.

Local Sheriffs offices are the first responders to crimes and disasters and are a key element of support in our communities. It is important that we recognize the hard work and dedication of these men and women, and never take their service for granted.

These deputies make daily sacrifices and put themselves at risk keeping our communities safe. This office has shown professional excellence this past year and their work has truly made our county a safer place.

Events like the one today hosted by the Citrus County Chamber of Commerce provide the camaraderie and support these dedicated men and women deserve. This Appreciation Barbeque allows for the employees of the Sheriff's Department to come together after a very difficult and heart wrenching year. The generosity of the community as a whole has made this event possible and I thank them for it.

Unfortunately, I was unable to join them today at Liberty Park in Inverness, FL. I was unavoidably detained by Congressional votes here in Washington, DC, and could not return in time for the event. I look forward to joining them in the future when I am home in Citrus County.

The Mission of the Citrus County Sheriff's Office is to maintain peace and order by providing law enforcement services that are of the highest professional quality. I would argue they have far surpassed this mission. When tragedy strikes our community, I know we can rely on these truly dedicated public servants.

Mr. Speaker, I once again would like to express my true appreciation for everyone in the Sheriffs Office and all they do for our communities.

TRIBUTE TO THURL ARTHUR RAVENSCROFT

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. UPTON. Mr. Speaker, my colleague Mr. SCHWARZ of Michigan and I rise today to honor the life of Thurl Arthur Ravenscroft, the voice of Tony the Tiger, the orange-and-black-striped spokesman for Kellogg's Frosted Flakes. We would like to express our heartfelt condolences as all of us in Southern Michigan lost a friend and neighbor on May 22, 2005.

Thurl had a long, distinguished career, most notably as the voice of Tony the Tiger for over 53 years. However, his contributions to the entertainment industry didn't stop there. While a celebrity in his own right, he sang backup with other celebrities such as Bing Crosby, Elvis Presley, Frank Sinatra and Rosemary Clooney. Thurl also provided voiceovers for the Grinch in Dr. Seuss' "How the Grinch Stole Christmas," "The Cat in the Hat," in "Horton Hears a Who," and "The Lorax."

With his contributions to Kellogg and Dr. Seuss novels, the world of Walt Disney wouldn't be the same without Thurl's voice. His vocal works played important roles in the themes of "The Mickey Mouse Club," "Davy Crockett," and "Zorro," while contributing to the making of "Cinderella," "Dumbo," and "Lady and the Tramp." Thurl's voice was also used in both song and narration for two of Walt Disney's most popular theme rides, "Pirates of the Caribbean" and "The Haunted Mansion."

While most of his career was spent entertaining both the young and old, Thurl courageously served in the U.S. Military for 5 years. In 1942, he enlisted in the Air Transport Command, where he flew numerous special missions over the North Atlantic as an expert navigator. In addition to his work outside the entertainment business, Thurl devoted time to activities in the Christian field that included recording the Book of Psalms for the visually impaired.

All of us in Southern Michigan are deeply saddened with the passing of Thurl Ravenscroft and appreciate all of his service as an entertainer, soldier and Christian. We will forever be able to enjoy his wonderful works whether we are watching great Kellogg commercials, a Disney movie, or attending an amusement park.

Southern Michigan will not be the same without Thurl Ravenscroft. He was GRRRRREEEEAT!

THE PLIGHT OF THE AFRO-COLOMBIANS

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. RUSH. Mr. Speaker, I rise today to bring light to the continuing neglect of Afro-Descendent people in Colombia. This past May 21, 2005, Colombia marked the 154th anniversary of the abolition of slavery. Yet, African descendant minorities, who comprises 26 percent of the population, continues to be mistreated, marginalized socially and economically, and are pushed to the fringes of society.

Afro-Colombians are displaced from their ancestral lands which is one of the most biodiverse regions in the world, so that extra-judicial groups such as the FARC, ELN and AUC are able to grow crops for drug trafficking. This population is, by far, the most repressed group in Colombia. They have the lowest national per capita income, the highest rates of illiteracy, high indices of infant mortality, and startling rates of preventable diseases.

Though the Colombian government is starting to make strides in breaking down the power of guerrilla and paramilitary groups, it has not done enough to protect Afro-Colombian territories. Historically, Afro-Colombian territories such as Chocó are of great strategic importance to securing the United States. Chocó is in essence at the crossroads between Central America and South America. It also has access to the Pacific Ocean and the Caribbean Sea making Chocó a very attractive launching pad for Colombia's extra-judicial actors.

These illegally armed actors should not and must not be exempt from prosecution for the human rights violations carried out under their leadership. The oppression of the Afro-Colombian population by these military groups must cease and desist. It is the responsibility of the Colombian government to secure its communities by eliminating such groups who have murdered, raped, and displaced the Afro-Colombian people.

We must do more in humanitarian assistance to provide better aid to those Afro-Colombians who have been displaced. Groups such as the Social Solidarity Network, Afro-Latino Development Alliance, the Black Mayors Federation, and AFRODES, in collaboration with local NGOs, are laying the foundation for advancements in healthcare, education, sustainable development, community kitchens, housing and other programs to address the needs of the displaced. Additionally, organizations such as USAID, Pan American Development Foundation, and the Colombian National Police are now finally planning to hire Afro-Colombians for technical and professional positions that will be beneficial to the Afro-Colombian community.

It is imperative that, more coordination by the Colombian government, our State Department and the philanthropic communities develop mechanisms to address this critical issue. President Uribé of Colombia agreed to the creation of a Cabinet level appointee to address the crisis facing Afro-Colombians and we are waiting for this to happen. This person will provide coordination amongst the Colombian government, the State Department, NGOs and other groups to address the plight of the Afro-Colombian communities. This will afford Afro-Colombians a voice in public policy that will ultimately have an impact on their communities.

The role of the United States must be, as it has in the past, multi-faceted. We must work closely with the Colombian government, our State Department and USAID to fight this crisis on all fronts. We must help to put an end to the oppression that the Afro-Colombian people have endured over the past 154 years since the abolishment of slavery.

Mr. Speaker, we must contribute more money in the area of sustainable development and rely less on military aid to solve Colombia's problems. We cannot continue to allow the egregious human rights violations within the Afro-Colombian community to continue. We must hold the Colombian government accountable on its human rights record and for its neglect of the Afro-Colombians.

HONORING JAMES EDWARD WESTCOTT

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. WAMP. Mr. Speaker, I would like to take this time to recognize Mr. James Edward Westcott of Oak Ridge, Tennessee, for his continued dedication and service to the community.

Ed Westcott's career has been a long and illustrious one. He served a unique role in capturing the history of Oak Ridge. In 1941, Ed went to work for the United States Army Corps of Engineers as their chief photographer for the famed Manhattan Project. He served the City with two distinct roles, officially documenting the historic creation and operation of the "Secret City" and unofficially documenting the daily life and events of the community of Oak Ridge as a photojournalist for the Oak Ridge Journal.

Throughout Mr. Westcott's career, he has captured numerous historic events and many notable personalities on film, including seven presidents. His most important work, however, was capturing the unique history and heritage of Oak Ridge. The early people of this town who dedicated their services to the greater cause of our country will never be forgotten thanks to the talents and contributions of Ed Westcott.

He has truly distinguished himself through his commitment and service to the community.

RECOGNIZING PROFESSOR STEFAN KAPSCH'S RETIREMENT FROM REED COLLEGE

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Ms. HOOLEY. Mr. Speaker, this month, Stefan Kapsch will retire as a professor of political science at Reed College. Professor Kapsch came to Reed from the University of Pennsylvania in 1974. For thirty years, he has inspired Reed students with his passion for American politics, empirical methodology, and constitutional law.

Professor Kapsch's career is distinguished by an impressive record of civic engagement. For him, public policy analysis is not just an abstract subject for classroom discussion; it is a very real and ongoing pursuit. Professor Kapsch has been research director of the Oregon Commission on the Judicial Branch, executive director of the Oregon Prison Overcrowding Project and research partner in the SACSI Initiative of the National Institute of Justice, a project on youth gun violence in Portland. By his example, Professor Kapsch has taught generations of students that independent academic analysis is a necessary component of good policymaking.

Professor Kapsch has taken a special interest in the former Yugoslavia—and Slovenia in particular—where he was a Fulbright Fellow to the Faculty of Sciences at the University of Ljubljana in 1994–95. He has served as a voter registration supervisor for the Organization for Security and Cooperation in Europe, which is charged with the conduct of elections in Bosnia-Herzegovina under the Dayton Accords. In 2002, Professor Kapsch was a Senior Fulbright Scholar at the Amerika Institut of Ludvig Maxmillians University in Munich.

Professor Kapsch will be remembered for his ability to bring even the most technical subjects to life through classroom discussions and seminars. He has earned a reputation among Reed students as the faculty's best storyteller, with an anecdote to illustrate every new principle introduced in class.

In his three decades at Reed, Professor Kapsch was a mentor, a confidant, and a friend to countless students and he will certainly be missed. But his retirement marks the start of a fresh chapter in his life, as he will spend more time brewing homemade beer, relaxing at the Oregon coast, restoring his 1952 Ford Pickup, and enjoying the company of his loving wife Shirley, his children and grandchildren.

IN HONOR OF THE HOUSING AUTHORITY OF PLAINFIELD'S 30TH ANNIVERSARY OF RICHMOND TOWERS

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. PALLONE. Mr. Speaker, it is with great pleasure that I rise to recognize the longevity of the Richmond Towers in Plainfield, New Jersey.

This September, the Housing Authority of Plainfield will celebrate the 30th Anniversary of the Richmond Towers, a 225 unit senior citizen complex developed to serve seniors within the Plainfield area. This building is a testament to the successes of the U.S. Department of Housing and Urban Development, which funded this project that helped to house thousands of residents in the Plainfield community.

Today I feel fortunate to stand here and announce that two agencies, one at the Federal level and one at the state, have not only followed through with their goals, but exceeded them. The Housing Authority has been invaluable to the senior citizens of Plainfield and I am confident that it will continue to be for the next 30 years as well.

REGARDING FORECLOSURES AMONG MINORITIES

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. DAVIS of Illinois. Mr. Speaker, homeownership can be the passage to the American dream. It can help offer wealth and even tax credit to American citizens. Nonetheless homeownership can also bring great economic devastation. While we were back in our districts, it was reported that there has been an increasing epidemic of foreclosures, especially among working-class neighborhoods. Even more, wide disparity between the rate of white homeowners and members of ethnic minority groups continue to exist. These foreclosures have fallen particularly hard on black and Latino families. As citizens face low interest rates and the pressure to refinance, an escalating number of citizens have found themselves unable to take on their mortgage debt. This past March, 47 states experienced a rise in foreclosure rates, and today, more then eight percent of homeowners spend at least half of their income on their mortgage. These numbers are appalling.

A recent study in Chicago found that rising foreclosures fuel increases in crime rates. So, not only does this affect our economic structure, but our security in society. Homeownership, especially among minorities, should not lead to economic and social ruin. In my district, just 37 percent of African-Americans own homes of their own. That's below the average for the city as a whole and falls far short of the national homeownership rate of 68 percent. Chicago should thrive off its bustling economic and cultural prospects, not be brought down because the citizens cannot afford to prosper.

In fact, there have been measures taken to counteract this declining trend. Recently, the Administration announced a goal to increase homeownership among minorities by 5.5 million households before the end of the decade through various programs such as American Dream Down-Payment Initiative. Nonetheless, the trends continue to move downward. Rising interest rates and discrimination continue to hinder homeownership among minorities. Minorities, especially African Americans, have experienced a significant disadvantage in terms of wealth creation. While sustaining the cost of housing provides great difficulty, many citizens cannot even find jobs before aspiring to finance homeownership. Before the Administration can help minorities increase homeownership, it must first give the citizens job

opportunities substantial enough to afford housing. Homeownership is a measure of financial security, and without the means to obtain such security, the number of homeowners will continue to drop.

We cannot disregard the efforts of minorities to succeed in obtaining the American dream. Minorities deserve equal opportunity to homeownership. Therefore, I urge my fellow colleagues to raise awareness against the devastation of foreclosure.

RECOGNIZING THE EFFORTS OF THE 369TH CORPS SUPPORT BATTALION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. RANGEL. Mr. Speaker, I rise today to join in this tribute to the families and members of the Armed Forces during National Military Families Week. I know the people of the 15th District of New York join me in thanking these individuals for their sacrifice and service to this country. I am sure that this august body appreciates the hard work and sacrifice of our men and women in defending the interests of this nation.

I want to specifically extend my appreciation to two groups of servicemen and servicewomen. First, I want to thank the Reservists and National Guardsmen whose lives have been disrupted by the call of service in Afghanistan, Iraq, and the War on Terrorism. Under the condition that they would serve when needed by this country, these individuals were trained and volunteered to take to arms when the country was in danger.

Today, they have become the backbone of our military engagement in hostile territories. The National Guard and Reserve forces are nearly half of the U.S. forces in Iraq at the moment. Thirty-one of the 80 U.S. military deaths in Iraq last month were Reservists.

Many Reservists and National Guardsmen had not made long-term plans for an engagement such as this. At home, their spouses, children, and families fret about their whereabouts, their safety, and when they will see these brave men and women again. Their jobs continue without them and, while their companies remain loyal to their service, the possibility grows that they will eventually be phased out or will fall behind in their careers. They unfortunately are placed in jeopardy in their civilian lives while at service to this nation.

They are faced with the financial and emotional obligations of remaining loving providers for their families. I and a grateful nation appreciate their sacrifice and welcome their return with open arms. Their bravery and their experience nonetheless often calls some of them back into service to fulfill obligations to colleagues still on tour. I thank the men and women of our National Guard and Reserves for their dedicated service to their nation. It is a true testament to their dedication and patriotism to this country.

Second, I must recognize the dedicated and patriotic work of the 369th Corps Support Battalion, the ''Harlem Hellfighters.'' Like the men and women in many of our districts, Harlem Hellfighters have displayed an impressive record of service in their engagement in Iraq. The unit has received 11 Bronze Stars, 2 Military Service medals, and numerous Army commendations.

Mobilized on December 5, 2003, the unit has been to Kuwait and to southern Iraq near An Nasariyah and performed at least three significant missions, including leading the operations of twenty other units from March 2004 to January 2005. Over this time they delivered over 8 million gallons of fuel to U.S. and coalition forces, fueled over 2,700 aircraft and over 145,000 service vehicles, issued almost 25,000 cases of meals-ready-to eat (MREs), and logged over 2.5 million miles.

In addition, the Harlem Hellfighters completed numerous local projects including the adoption of an orphanage in An Nasariyah, and the monitoring of a school reconstruction project. I am very proud of the work of the 369th. They put their hearts and mind into these tasks and are diligent and strong champions of this country. Without their tireless effort, the capacity of our armed forces would have been limited in Iraq.

While the arduous work of the brave men and women is quite impressive, I must also recognize the sacrifices of the family members of the 369th. While the Harlem Hellfighters have been deployed for over 2 years in the Middle East, their wives, parents, and children have been without them. These family members have had family reunions and backyard barbeques, have taken their first steps and attended their first day of school, and have worried and cried about the location and service of their Hellfighter. They have endured and suffered much while their patriotic family member was serving this great country. I owe these individuals my sincerest appreciation and thanks.

Today, Mr. Speaker, the House of Representatives takes a moment out of its day to recognize National Military Families Week and to honor the families and friends of our armed forces. I believe we should spend every moment working to acknowledge their contributions and to reward their noble contributions to the security and welfare of our nation.

A TRIBUTE TO ARTHUR ''BUTCH'' NILES

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. TOWNS. Mr. Speaker, I rise to acknowledge Arthur ''Butch'' Niles. Arthur H. Niles was born and raised in Brooklyn's Bedford Stuyvesant village, where just about the entire village raised him. ''Butch'' as family and friends lovingly know him, was born smack dab in the middle of 14 children, parented by Anton and Lillian Niles. He attended P.S. 44, J.H.S. 35 and Boy's High School. Since he was an outstanding athlete, his basketball skills helped him earn the Four Friends' scholarships to Virginia Union University in Richmond, Virginia where he captained the team his entire 4 years. Mr. Niles graduated from the Virginia Union University with Bachelors degree in Sociology as well as achieved lifetime membership to the Alpha Phi Alpha Fraternity.

After a brief stint in the Eastern Professional Basketball League, playing for the Scranton Miners, a minor league team of Boston Celtics, ''Butch'' return to Bedford Stuyvesant. Along with a few of his brothers and the community friends, he organized the original legendary ''Soul in The Hole'' Basketball tournament. This activity became a sports and cultural extravaganza for youth and their families that occurs every summer and features African Dancers, drummers, poetry readings and great ball games.

Butch has always had a revolving respect with the people of central Brooklyn, especially the youth. He always felt that the power of the people could be realized most effectively by fostering a mutually trusting relationship with the youth.

After meeting Lucille Rose in the early 1970s, Arthur is credited for organizing the first Bedford Stuyvesant Central Youth Council, Inc. He met George Glee and Margo Butts at Vanguard Urban Improvement Association Inc., where he was employed as a Coordinator. Arthur worked with the young men and Margo worked with the young ladies and together they improved the lives of thousands of young people, many of whom went on to be accountants, teachers, union leaders and other professionals. Mr. Niles is in his 26th year with the agency, during his tenure he has placed over 500 youth from Bedford Stuyvesant in primarily Historically Black Colleges and Universities, developed a culinary School and created the safe Passage for central Brooklyn teens.

He developed 21 units of affordable housing through the 1661 Macon Houses L.P and manages another 105 units in Bedford Stuyvesant. Other developments include SUNY Downstate Medical Satellite and Interfaith Medical Center. He is a member of Community Board #3 serving on the By-law's, Land Use and Economic Development committees. He is also a member of Bedford Stuyvesant Economic and Physical Development task force. For his outstanding devotion to community service Butch has received numerous awards over the years like the Community Leadership Award from the Borough President, the Continuous Service Award from Omega Psi Phi, the Youth Development Award from the Mayor's Office, and the Businessman of the year '04 from the Republican Congressional Committee.

Arthur and his wife Margo have 2 grown children. His hobbies include travel, collecting jazz, playing golf and tennis and of course watching basketball. Mr. Speaker, Arthur ''Butch'' Niles has continuously worked towards improving the lives of the youth of the community as well as his commitment and generosity in helping others has made him more than worthy of our recognition today.

IN HONOR OF MS. BETH GUISLIN

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. FARR. Mr. Speaker, I rise today to honor Beth Guislin for her years of dedication as an employee of the University of California and for her contribution to the world community.

Beth began her career with the University in 1976 at the Los Angeles campus. After leaving UCLA, she continued her work at the

Santa Cruz campus of the University of California system. As UCSC's Director of Instructional Computing, she built a campus institution respected by both faculty and students that enhanced the campus' reputation for undergraduate education by providing a space for students to publish their work and gain needed employment skills.

Beth has also shared her expertise with people around the world through her love for travel. She served as a mental health counselor for Americans living in Bangkok during the Vietnam War, was a field assistant for the Smithsonian-sponsored Arun Valley Wildlife Expedition in Nepal and contributed to the betterment of public health in Thailand. Beth is also fluent in Thai, and as a Peace Corp volunteer, she acted as a liaison between the Thai Ministries of Health, Agriculture, and Education in the area of nutrition and was involved in the establishment of markets for locally produced foods in some of Thailand's rural areas.

Beth is also an expert sailor with 19 years of experience as a member of a Los Angeles crew for international cruises and races. One of the highlights of her sailing experience includes sailing from California to Tahiti.

Mr. Speaker I wish to honor Beth Guislin, upon her retirement from the University of California, for her compassion and dedication to education. Her actions serve as an example of how to live life to the fullest, while selflessly giving back to those in need here and around the world. I join the University in commending Beth for her leadership in instructional computing and international public service, and I extend my sincere best wishes for her retirement and future endeavors.

HONORING VINCENT J. TONUCCI FOR HIS OUTSTANDING SERVICE TO THE COMMUNITY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Ms. DeLAURO. Mr. Speaker, it is with great pleasure that I rise today to join the many family, friends, and community members who have gathered to pay tribute to an outstanding member of our community and a dear friend, the Honorable Vincent J. Tonucci. Retiring just last year after 9 terms as the State Representative for Connecticut's 104th District, Vinny has dedicated a lifetime of hard work and dedication to the Naugatuck Valley.

In his 18 years as a State Representative, Vinny has a long and proud history of legislative accomplishments for his District and the state of Connecticut. Sponsoring and introducing legislation aimed at improving the quality of life for children, defending the environment, protecting health care for seniors, and providing for local economic development, Vinny was dedicated to ensuring that a variety of important issues were debated and addressed. Throughout his nine terms in Connecticut's General Assembly, Vinny developed a distinguished reputation as a public official—accessible to his constituents and fighting for their best interests. His career has been a reflection of all that an elected representative should be.

Vinny's remarkable commitment to community and public service extends well beyond his time in the General Assembly. Prior to his election to Connecticut's House of Representatives, he served on the Board of Alderman in the City of Derby as well as a member of the Naugatuck Valley Capitol Planning Committee. Among the many local service organizations which benefit from his good work, Vinny is a member of the Webster Hose Fire Department, St. Michael's Society of Ansonia, Derby Elk's Lodge, and the Valley Association of Realtors. He also serves on the consulting committee at Emmett O'Brien Regional Vocational School, the Board of Directors of the Lower Naugatuck Valley Boys & Girls Club, the Birmingham Group of Ansonia, and the Valley United Way. Vinny is a tireless advocate—always ready to lend a helping hand and a powerful voice on behalf of the businesses, organizations, residents, and families of the Naugatuck Valley.

Through his good work as an elected official and community volunteer, his warmth, compassion, and generosity made a difference not only in the communities that he represented, but for families across Connecticut. For his many years of outstanding public service, I am proud to stand today to join his wife, Cindy, daughters, Cara and Christa, family, friends, constituents, and the communities of Derby and Ansonia in extending my sincere thanks and appreciation to the Honorable Vincent J. Tonucci. He has left an indelible mark on this community and a legacy that will serve as an inspiration for generations to come.

IN HONOR OF THE LIFE AND CAREER OF ACTRESS ANNE BANCROFT

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of the distinguished life and career of actress and friend Anne Bancroft.

Anne's legendary career spanned more than 50 years and included honors and awards for roles performed in film, television, and on the stage. Most notable among these were her Oscar, Emmy, and Tony awards, an accomplishment achieved by only a select few.

Born to a family of Italian immigrants on September 17, 1931, in the Bronx, New York, Anne quickly developed a love for performance. By the time she was 4-years-old, Anne was already taking dance and acting lessons. When she was 9, she famously wrote on a fence behind her childhood home, "I want to be an actress." Little could she have known then what a splendid acting career lie in front of her.

After studying at the American Academy of Dramatic Arts in New York, she moved to Hollywood in 1950 to pursue her dream. Her first film, "Don't Bother to Knock" in 1952 starred Marilyn Monroe and Richard Widmark. It was her role in 1962 's "The Miracle Worker," however, that really launched Anne on the path to becoming an acting legend. She famously portrayed Annie Sullivan, Helen Keller's dedicated and truly determined teacher. For her effort, she was rewarded with the Academy Award for Best Actress. 1967's "The Graduate" is the film that sealed Anne Bancroft's place in American popular culture. Co-starring with Dustin Hoffman, she became the very embodiment of the character of Mrs. Robinson. Mike Nichols, the film's director, recently remarked that Anne's "beauty was constantly shifting with her roles, and because she was a consummate actress, she changed radically for every part." Additionally, Arthur Penn, who directed her in both the stage and film versions of "The Miracle Worker," said that she was an actress who "can play anything." I can think of no higher complement that can be said of an actor.

Anne's death is truly a loss to American culture. Fortunately, her wonderfully-talented performances will live on for future generations to watch and enjoy.

Mr. Speaker and Colleagues, please join me in remembrance of Anne Bancroft whose life and legacy has been a source of enjoyment for so many. My thoughts and prayers are with Anne's beloved husband, director Mel Brooks, and son, Maximillian.

HONORING MARY ANN KECKLER, HERNANDO COUNTY, FL

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to praise a hard-working woman, Mrs. Mary Ann Keckler, who is dedicated to supporting local veterans. Hernando County is fortunate to have Mrs. Keckler in our community.

Mrs. Keckler served in the United States Navy from 1959–1962. She currently heads Hernando County's Veteran Affairs Roundtable and is commander of the local Disabled American Veterans.

Mrs. Keckler has joined forces with Hillsborough County veterans advocates to raise money for Operation Haley House, the local version of the Fisher House. Donations to Operation Haley House will provide the families of injured American soldiers a place to stay when visiting loved ones undergoing long-term rehabilitation. Many area families are faced with the high costs of expensive room and board when visiting relatives at the James A. Haley VA Medical Center in Tampa. Plans are currently under way to begin building what will be known as the Haley House to elevate this costly burden on military families.

Mary Ann's efforts to improve the lives of injured American soldiers and their families deserves to be recognized.

Mr. Speaker, it is my privilege to represent Mary Ann Keckler, and to honor her for working with our local veterans.

PREMATURE BIRTH: A SILENT, GROWING HEALTH CRISIS

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. UPTON. Mr. Speaker, prematurity is a serious and growing problem in the United States. It is the number one cause of infant death in the first month of life. In February

2004, the National Center for Health Statistics reported the first increase in the U.S. infant mortality rate since 1958.

Prematurity has enormous human, societal, and economic costs. Sadly, premature infants are 14 times more likely to die in their first year of life, and premature births account for nearly 24 percent of deaths in the first month of life. The estimated charges for hospital stays for premature and low-birth weight infants were $15,000,000,000 in 2002, and the average lifetime medical costs for a premature baby are conservatively estimated at $500,000. About 25 percent of the youngest and smallest babies live with long-term health problems, including cerebral palsy, blindness, chronic respiratory problems, and other chronic conditions. A study published in 2002 by the Journal of the American Medical Association found that children born prematurely are at greater risk for lower cognitive test scores and behavioral problems when compared to full-term children.

Although we've made vast improvements in treating premature infants, we've had little success in understanding and preventing premature birth, and the knowledge that we have gained has not been translated into improved perinatal outcomes. The three known risk factors for preterm labor most consistently identified by experts are multiple fetal pregnancies, a past history of preterm delivery, and some uterine and/or cervical abnormalities. Other possible risk factors are chronic health conditions such as high blood pressure, diabetes, and obesity in the mother, certain infections during pregnancy, and cigarette smoking, alcohol use, or illicit drug use during pregnancy. But as the science stands now, nearly 50 percent of all premature births have no known cause.

That is why today, my colleague Rep. ANNA ESHOO and I are introducing the bipartisan Prematurity Research Expansion and Education for Mothers who deliver Infants Early or PREEMIE Act. The Preemie Act calls on the National Institutes of Health (NIH) and the Centers for Disease Control and Prevention (CDC) to ''expand, intensify, and coordinate'' research related to prematurity. It formally authorizes the Maternal Fetal Medicine Unit Network—which includes university-based clinical centers and a data coordination center—through which perinatal studies to improve maternal and fetal outcomes are conducted. It also authorizes the Neonatal Research Network to improve the care and outcomes of newborns. The bill will ensure better coordination on prematurity research priorities across federal agencies and also includes provisions for disseminating information on prematurity to health professionals and the public and for establishing family support programs to respond to the needs of families with babies in neonatal intensive care units.

I encourage my colleagues to join Rep. ESHOO and me in cosponsoring and strongly supporting the enactment of the PREEMIE Act.

REPAIRING YOUNG WOMEN'S LIVES AROUND THE WORLD—OBSTETRIC FISTULA

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. RUSH. Mr. Speaker, I rise to thank the distinguished Member from New York, CAROLYN MALONEY, with whom I have had the pleasure of working along side ever since we were first elected at the end of the 102nd Congress. She has always been a true champion for women's rights and human rights, and I thank her for bringing this important issue to the awareness of the Congress.

You may or may not know that the World Health Organization estimates that at least two million women and girls around the world currently suffer from obstetric fistula, with an additional 50,000 to 100,000 cases happening each year. Obstetric fistula, a debilitating pregnancy related condition mainly affects girls ages 15–19. The condition occurs during childbirth when the infant's head presses against the woman's vagina and rectum, creating a formidable hole in vital tissue areas around the pelvis, resulting in loss of control of the bladder, bowels and nerve damage to the mother's legs. The prolonged labor almost always results in a high rate of infant mortality.

Beyond the significant health related risks that I have just outlined concerning this condition, there are also some societal factors that further debilitate these women. Many women with fistula are abandoned by their husbands and families because of the resultant odor and infertility. In effect, they become social outcasts because of the stigma associated with the disease, through no fault of their own.

As I stated before, approximately, two million women suffer from this condition. However, studies conducted by the United Nations Population Fund (UNFPA) and EngenderHealth reveal that these figures are grossly underestimated. For example, in Nigeria alone, close to one million women suffer from the disease although these figures are based solely on patients who seek and report treatment in medical facilities only. This statistic clearly disregards the many cases that go unreported and untreated in the region.

A key factor concerning this issue is that fistula is a preventable and curable disease. One form of prevention is a Caesarean section, which costs a mere 60 U.S. dollars. Surgery to repair fistula has an uncharacteristically high success rate of 90 percent even after a woman has had the condition for several years. Most women are either unaware that treatment is available or simply cannot afford it. Surely this cost is worth the value as success rates have proven to be extremely high.

Funding to treat this curable condition has been rescinded by the current Administration. The $34 million in funds for the UNFPA that could save the lives of women and children around the world have been withheld causing more women and. children to suffer.

We are here today to introduce the ''Repairing Young Women's Lives Around the World Act,'' which would provide that the voluntary U.S. contribution of $34 million to UNFPA for the fiscal year of 2006 and subsequent years, will be directed to UNFPA to be used only for prevention, treatment and repair of obstetric fistula. The UNFPA serves as a vital institution for providing crucial family planning and health services to women in developing countries.

In closing, I would like to briefly remind you of some key points that summarize the severity of the issue.

Treatment to correct the condition has a 90-percent success rate.

For every child who dies from pregnancy complications, 15 to 30 women live and suffer chronic disabilities, the most acute of which is obstetric fistula.

It is estimated that there are 100,000 new fistula cases each year, but the international capacity to treat fistula remains at only 6,500 per year

I fully support this issue because it brings attention to one of the failed maternal health systems around the world. Fistula is virtually unknown in places where early pregnancy is discouraged, women are educated, family planning is accessible and skilled medical care is available. I feel that eradication of this problem in developing countries is a goal that the U.S. should work to make a reality.

CELEBRATING THE LIFE OF RICHARD ''DICK'' SMYSER

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. WAMP. Mr. Speaker, I rise today to honor the life and legacy of a devoted and well-respected Tennessean, Mr. Richard ''Dick'' Smyser. Dick passed away on March 14th of this year at the age of 81. His deep devotion to his community and to the well-being of everyone leaves a legacy carried on by the lives he touched.

Mr. Smyser was born and raised in York, Pennsylvania, before graduating in 1944 from Pennsylvania State College with a degree in journalism. His dream to pursue writing, however, was put aside to answer a greater call. In 1943, he enlisted in the United States Army and served with distinction overseas in Algeria and Italy rising to the rank of corporal.

Upon returning to Pennsylvania, Mr. Smyser continued on the path he had left and began reporting news for The Chester Times, now The Delaware County Times. In 1948, Dick was named managing editor of The Oak Ridger, the first and only newspaper in the small East Tennessee town of Oak Ridge. Oak Ridge, Tennessee, was created for the important work on the World War II bomb, commonly referred to as the Manhattan project. He was a pioneer and helped shape Oak Ridge into the town it is today.

With a large number of scientists living and working in the area, Mr. Smyser became active in science writing circles, with a focus on nuclear science. For eighteen years he served on the Council for the Advancement of Science Writing's board of directors. He was a member of numerous media and science boards and a highly sought after speaker and panelist.

Under Mr. Smyser's leadership, The Oak Ridger grew substantially and won numerous awards and accolades for its coverage of the transformation of Oak Ridge. His contribution not only to the development of journalism in East Tennessee but to the entire community is

significant. Before his retirement he insured that generations of young writers could make an impact in the field of journalism, as he did, by passing on his vast knowledge as a visiting professor at universities across the country.

Dick Smyser was not a personal friend of mine. After all, I am a politician, and he is a journalist. So, we could not be "friends." However, I had many occasions to converse with him and enjoy his warmth and depth of perspective on Oak Ridge and our mutual commitments to this very special place.

Dick Smyser was simply a classic human being who was good to his family and friends. His departure from this earth left a large void, and we will always miss him but never forget him.

May his legacy endure in the many lives that he touched and inspired.

RECOGNIZING GRANT COMMUNITY MIDDLE SCHOOL STUDENTS, RECIPIENTS OF A 2004 PRESIDENTIAL ENVIRONMENTAL YOUTH AWARD

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Ms. HOOLEY. Mr. Speaker, I rise today to recognize a group of students from Grant Community Middle School in Salem, Oregon who were awarded a Presidential Environmental Youth Award. Since 1971, this award has recognized young people from across the United States who have demonstrated a commitment to the environment.

This group of thirty 6th grade students from Grant, whom I recently had the pleasure of meeting, has made a real impact in the effort to restore habitat for an endangered animal, the Fender's Blue Butterfly. As the Willamette Valley has been developed, the butterfly has lost its natural prairie habitat, and the Kincaid lupine plant, a major staple of the butterfly's diet, has nearly disappeared. The butterfly has become so rare that at one point it was believed to be extinct.

After learning about the Fender's Blue Butterfly, the class researched, created, and implemented a three-year program to help preserve this rare insect. The students worked with Marion County to convert Bonesteele Park into a native Willamette Valley prairie. Two years after the students began the project, Kincaid lupine plants began to grow and several of the endangered butterflies have been spotted in the area.

The students also sought to raise awareness among other young people about the importance of natural prairie habitat by holding a Celebrating Prairie Festival. Over 600 elementary school students attended the festival, which included a bilingual play in English and Spanish that explained the threats facing the Fender's blue butterflies.

I commend these students for their efforts. Their hard work and dedication made a real difference that will help preserve this butterfly for future generations.

IN HONOR OF THE 75TH ANNIVERSARY OF THE LADIES AUXILIARY OF THE TOWNSHIP HOSE AND CHEMICAL CO. NO. 1

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. PALLONE. Mr. Speaker, I rise today to honor and recognize the services of the Ladies Auxiliary of the Aberdeen Township Hose & Chemical Co. No. 1.

This organization was formed on May 22, 1930 for the purpose of raising funds in order to purchase fire equipment. Over their 75 years of service, they have provided a completely equipped kitchen for a local firehouse, answered fire calls, and served coffee and sandwiches at lengthy fires, as well as many other unnamed services that have invaluably aided the fire company.

The importance of firemen cannot be overstated. We were reminded of that on September 11, 2001. These brave men and women are irreplaceable, and the Ladies. Auxiliary of the Aberdeen Township Hose & Chemical Co. No. 1 has supported them through the years. It is never easy to work in a high risk and high stress job, yet the Auxiliary has helped the men and women of the Fire Company maintain a high morale and continue to protect the Aberdeen community.

These women have served the Aberdeen Fire Company admirably for 75 years, and the Ladies Auxiliary stands ready to assist the Fire Company and give it the same unbending support for the next 75 years.

REGARDING THE CEASEFIRE WEEK

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. DAVIS of Illinois. Mr. Speaker, I rise in strong support for the CeaseFire Chicago program and to celebrate CeaseFire week. Some of our nation's youth faces gangs, drugs, and gun violence daily. As we proceed through CeaseFire week, from June 4–11, we acknowledge community events such as peace marches, memorial services, and other civic gatherings held throughout Chicago. We must keep in mind the sheer violence our children encounter, and the direction we must take to solve this increasing problem. Programs such as CeaseFire help to steer at-risk children away from such pressures towards graduation and college. Indeed, CeaseFire Chicago sends outreach workers, clergy, and community leaders into rough neighborhoods to mentor, respond to shootings, hand out fliers and encourage the students to stay off the streets. Today, 70 outreach workers volunteer their time to search for at-risk children in the Chicago area. And it works! In my district, where CeaseFire is most active, violence has been reduced by an average of 45 percent.

I believe by taking a more active stance on the issue of gangs and gun violence, we can help protect the children of tomorrow. CeaseFire has even been acknowledged and supported from the First Lady Laura Bush on her current trip to Chicago. This program has had a phenomenal impact on the children of Chicago, and the success would only be replicated in other cities. Therefore, I urge my fellow colleagues to support such programs as CeaseFire Chicago. With our continued efforts, we can continue to provide safe neighborhoods and successful opportunities for our children.

THE 20TH ANNUAL 116TH STREET FESTIVAL AND ITS ORGANIZERS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. RANGEL. Mr. Speaker, I rise today to bring to the attention of the 109th Congress the hard work of Mr. Nick Lugo, Mr. David Acosta, Mr. Robert Acosta, and Mr. Peter Spinella in planning the 116th Street Festival in East Harlem, El Barrio community.

The 116th Street Festival is designed to highlight, embrace, and celebrate the cultural experiences of Hispanic families in the United States, the Caribbean, and beyond. This is the largest Latin Street Festival in North America and is nationally acclaimed as one of the three major Hispanic events in the United States. It draws our collective consciousness to the beauty, love, and familial bonds of Hispanic culture as well as the rich historical backgrounds of Hispanic people.

The 20th annual Festival will be held this Saturday, June 11, 2005. It will span 20 city blocks in the heart of El Barrio, have three entertainment stages and hundreds of venders and corporate attractions, and draw crowds of hundreds of thousands of people from around the world. It is one of New York City's largest and most popular celebrations and has provided over 40 scholarships to local high school students in East Harlem.

The celebration promises to be a remarkable experience and enlightening exposure to the culture of an often-unappreciated but important group of Americans. Major corporations such as Disney, Home Depot, and Fisher Price now join long-time sponsors Telemundo 47, Coca-Cola, and SBS Communications in supporting the success and goals of this Festival.

The success of the Festival is largely thanks to the work of Nick Lugo, David Acosta, Robert Acosta, and Peter Spinella of Abrazo Fraternal organization. They brought the event to the East Harlem community in the 1980s and have tirelessly worked to make it a premier event for hundreds of thousands of Hispanic families and top entertainers.

Nick Lugo is a prominent community and business leader within the New York City Hispanic community. His career spans over three decades and includes pioneering numerous events and activities that have enhanced the lives of Puerto Ricans and other Hispanics within the City. He was born in New York and is a graduate of Inter-American University of San German, Puerto Rico. With his wife and their daughter at his side, Nick has published La Voz Hispana, a weekly newspaper, and Canales Magazine, a monthly publication dedicated to the Latino arts and entertainment industry. He is also the president of National Hispanic Expositions, Inc, Nick Lugo Travel,

and Hispanic Impact Marketing, Inc. He has been a dedicated and inspiring role model for the Hispanic community in particular and this country in general.

Immediately after graduation, Robert Acosta enlisted in the United States Air Force and served there for the next four years. He was trained as a jet aircraft fighter mechanic and received an honorable discharge. He joined his brothers in a lifetime career as a prominent and successful businessman. While helping his wife raise their son and three daughters remained an important mission in his life, Robert was also committed to the improvement of his community. He chaired the Local Development Corporation del Barrio for ten years and helped to develop the economic and political capital of the community. Robert has been an active contributor to local organizations and events and an important voice on the future of the community.

Like his brother Robert, David Acosta was raised in East Harlem and has become a major community leader and one of its strongest advocates. Starting with El Barrio Hardware in 1970, Robert and David, along with their brother Frank, became promising entrepreneurs in the community. They were part of the influential reactivation of the Third Avenue Merchants Association and helped to revitalize the struggling business community in the area. When David became the president of the Association, it accomplished its goals and provided opportunities for local merchants to advance political agendas and decisions in the interest of the community. David would further apply his entrepreneurial skills to the creation of the Local Development Corporation del Barrio and secured grants to enhance the image and economic base of the Third Avenue. He has and continues to be an active and influential member of the community.

Peter Spinella served this country as a member of the military police corps of the United States Army. He holds a bachelor's degree of science in marketing from New York Institute of Technology and is an Executive Vice President of the Hispanic Marketing & Advertising Group, Inc. He has honorably served on the boards of several organizations including the National Puerto Rican Forum and the Korean American Grocers Association. A member of the board of the New Bronx Chamber of Commerce, Peter brings a cultural awareness and sensitivity to economic development projects. He is also the CEO of "A Taste of East Harlem, Inc." which produces a magazine, a website, and a restaurant/tourism campaign. Peter brings a talented marketing portfolio to East Harlem and has worked to build an active and involved community.

I would like to thank Nick, David, Robert, and Peter for their hard work in putting together these important community-building events surrounding the 116th Street Festival. I join their families, friends, and community in being proud of their accomplishments and success.

A TRIBUTE TO DARREN K. PEARSON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. TOWNS. Mr. Speaker, I rise to acknowledge Darren K. Pearson, an established entrepreneur who has developed four running businesses in the Real Estate marketplace in Brooklyn, New York and parts of Queens. These businesses include Darren K. Real Estate, LLC, Darren K. Real Estate, LLC Maintenance Division, Howard Avenue Development, L.P., and Darren K. Real Estate Management Company. A part of Darren K. Real Estate, LLC activities involves the acquisition, rehabilitation and development of quality housing of previously owned city multi-dwelling buildings for low, moderate and middle-income families.

Before becoming involved in real estate, Mr. Pearson worked as an account executive for Amergold Corporation. He also worked for Vanguard Oil Corporation as a fuel salesperson in the commercial and barge departments, where his duties included fuel sales to Con Edison, PSE & G, LILCO and Government contracts. Within one year, he was promoted to Director of Public Relations for Vanguard and headed the "Robert F. Kennedy Memorial" Home Oil Transfer Program, a program that allowed Mr. Pearson to provide fuel oil to needy families and non-profit organizations at discount prices or even at no cost. Due to his success, he was promoted to Vice President of Procurement and Industrial Sales for Vanco Oil Co., a subsidiary of Vanguard Oil Corp.

After leaving Vanguard, Mr. Pearson worked as the Real Estate Sales Manager for Charles E. Simpson Real Estate Company and obtained his broker's license after one year. After that he started his four companies.

Mr. Pearson is active in both the Brooklyn and Manhattan communities, as Chairman of the Men's Caucus for Congressman TOWNS, member of 100 Black Men, Inc. and Senator David Patterson's Progressive Network.

Mr. Pearson is a devoted husband to his wife Lydia and a loving son to his mother Willie Mae. Mr. Speaker, Darren K. Pearson has continued to demonstrate through his efforts to improve the quality of life in his community that he is more than worthy of our recognition here today.

IN MEMORY OF DARRYEL NACUA

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. FARR. Mr. Speaker, I rise today to honor the memory of Darryel Nacua, a true hero who passed away tragically and unexpectedly on May 30, 2004 at the age of 48. Most of Darryel's twenty-three year law career was spent with California Rural Legal Assistance, where he dedicated his life to giving legal help to the farm workers of Central California, the community of his own roots.

Darryel's assignments with California Rural Legal Assistance took him to Santa Maria, Gliroy, Salinas and finally to the Watsonville/Santa Cruz office, where he acted as Directing Attorney. He fought hard against poverty, injustice, and substandard housing, and he was equally tenacious in his battles for education and employment. Darryel was fearless in taking on all entities in his pursuit of social justice. Darryel also served the greater Santa Cruz area as a member of the Lawyer Referral Service Governing Committee and the Human Care Alliance Advocacy.

Darryel was endearingly referred to within his community as a man of "sangre liviana," one of "light blood," or a pleasant disposition. They also called him "sano," a person of sincerity, honesty, and one without malice. He was appreciated as a mentor, a profound listener, and for his gentle sense of humor.

Mr. Speaker, it is altogether fitting that California Rural Legal Assistance should name their office building in honor of Darryel Nacua. The community will miss him greatly, but we know his life will continue to inspire those he touched.

HONORING THE EPISCOPAL CHURCH OF ST. PAUL AND ST. JAMES FOR ITS CONTRIBUTIONS TO THE COMMUNITY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to join the Reverend Barbara Cheney and the congregation of the Episcopal Church of St. Paul and St. James as they celebrate the restoration of this historic New Haven treasure. This is a very special occasion for the community and this New Haven institution.

Standing on the corner of Chapel and Olive Streets in New Haven, St. Paul and St. James has anchored the Wooster Square neighborhood for more than 175 years. Originally, the church was designed with two wooden towers, however, as the years past, it became evident that these towers would need replacing. In 1893 the west tower was rebuilt in stone and the wooden top of the east tower was removed—creating the church's distinctive look with one short tower and one tall. Recently, the need came once again to restore the west tower and it is the completion of that renovation which the community celebrates today with a rededication ceremony.

Our churches play a vital role in our communities—providing people with a place to turn to for comfort when they are most in need. In the nearly two centuries of its history, there have been many who have worshiped within the halls of St. Paul and St. James and many who have found peace and strength in the outstretched arms of the congregation. Beyond the spiritual guidance it has provided, St. Paul and St. James is also home to several successful outreach ministries. With congregants from New Haven, West Haven, Hamden, and Branford, it is an interracial, diverse congregation with a strong emphasis on social justice and advocacy. For the last twenty-five years, the church has run the Loaves and Fishes Food Closet, one of the largest food banks in the state. Other programs include a Clothes Closet, an alliance with the Neighborhood Health Project, a Children's Mission, and an active membership in the faith-based grass roots organizing effort, Elm City Congregants Organized. It is through all of these efforts that St. Paul and St. James touches the lives of thousands and makes a real difference in their lives.

With the completed renovations, the west tower is now lit at night and clearly visible from the New Haven Green—the heart of the City of New Haven. It serves as a shining beacon of hope for those most in need. For its

many spiritual and community contributions, I am proud to stand today to pay tribute to the Episcopal Church of St. Paul and St. James and its congregation as they celebrate this very special occasion. It is my hope that they will continue to serve our community for many more years to come.

COMMANDER JEFFREY THOMAS BERNARDI

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of United States Navy Commander Jeffrey Thomas Bernardi, on the occasion of his retirement following 20 years of dedicated service to our country.

Following graduation from Strongsville Senior High School, Commander Bernardi attended the United States Naval Academy, earning his degree in Mechanical Engineering in 1985. Commander Bernardi began his distinguished career as a Naval Flight Officer in 1986.

His years of service have taken him to locations around the world. From Bermuda to Sicily and a wide variety of other locations, Commander Bernardi's career exemplifies the very best of our armed services. In February of 1994, for example, he directed tactical support for the first ever P–3C Electro-Optic reconnaissance missions overland Bosnia-Herzegovina in support of Operation DENY FLIGHT.

Commander Bernardi received his Master of Arts Degree in National Security and Strategic Studies from the Naval War College in 1996. In March of 1999, Commander Bernardi reported to the Bureau of Naval Personnel Sea Duty Component in Arlington, Virginia. He was handpicked to support the execution of a CNO Special Project of national significance.

Most recently, in April of 2003, Commander Bernardi reported to Deputy Chief of Naval Operations Assessments Division at the Pentagon. His ditties there included shaping the Navy of the future through independent analytical assessment of warfighting capabilities and Department of the Navy programs.

He has received numerous awards over his career for his dedication and commitment to this country. They include the Navy and Marine Corps Medal for heroism, Air Medal, Joint Service Commendation Medal, four Navy Commendation Medals, and four Navy Achievement Medals.

Mr. Speaker and Colleagues, please join me in honor and recognition of Commander Jeffrey Thomas Bernardi. As Commander Bernardi marks his retirement from 20 years of dedicated service to our country, I extend my congratulations and deepest thanks to him, as well as his wife, Stephanie, son, Zachary, and daughter, Jennifer.

A TRIBUTE TO CLARENCE BOSWELL

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. PUTNAM. Mr. Speaker, I rise today to recognize a great Floridian, the senior member of our State's Bar, a true gentlemen in every good sense of the word, and my neighbor. Clarence A. Boswell died on February 22, 2005 at the age of 102, and for 75 years of his life he actively practiced law in my hometown of Bartow, Florida.

Clarence Boswell was admitted to the Florida Bar in 1924, and with that admission he began one of our State's longest and most distinguished legal careers. During a time when lawyers tended not to specialize, Clarence Boswell distinguished himself as an accomplished litigator, an acknowledged expert in real estate, probate and trust matters, and a beloved adviser to businesses and families both great and small.

For 50 years Clarence Boswell was recognized in the Courthouse as the determined defense counsel for the railroad. Unknowing opponents were often surprised by the tenacity with which this soft-spoken, genteel southerner defended his client's interests. As a real estate attorney, Clarence Boswell handled some of the largest real estate transactions of his time, and was used by other attorneys as an expert witness on property issues. However, the traits that most endeared him to his clients were the effective, competent and calm counsel he consistently offered those passing through his office. A local judge once referred to Clarence Boswell as a lawyer's lawyer and a gentleman's gentleman.

In his community, Clarence Boswell was a charter member of the Bartow Rotary Club when it was founded in 1924. He served on the Board of Trustees of Erskine College in Due West, SC, and as that Board's Chairman. He was a life long member of the Associate Reformed Presbyterian Church and served as the Moderator of that denomination's Synod. He was attorney for the Polk County School Board for forty years and was instrumental in the founding of Polk Community College.

Above all else, Clarence Boswell's greatest love was for his family and his wife of 63 years, his beloved ''Toggie''. He is survived by his two children, eight grandchildren and twelve great grandchildren.

Clarence Boswell was the last of a generation who were born into a time before the Depression, two great wars, I and the rise of the American Century. It was a generation of men who stood, bowed and wore hats, not baseball caps that they tipped to one another in passing and removed indoors. They were people who always presented a façade of innocence, who never spoke openly of certain things, and who detested rudeness and vulgarity. Now, I am not one who cries to bring back the ''good old days'' but with the passage of time, we have lost in this country many good things that once spoke of manners, respect, courage and honor. Today I pay tribute to one who represented those good things, Clarence Boswell.

HONORING THE 44TH ANNUAL YMCA YOUTH GOVERNOR'S CONFERENCE

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. SESSIONS. Mr. Speaker, I rise today to honor the 44th Annual YMCA Youth Governor's Conference that begins in Washington, DC next week. I am pleased to once again have the honor of being the Congressional sponsor for the Youth Governor's breakfast with my fellow colleagues in the House.

The YMCA Youth Governor's Conference brings together some of the most outstanding youth leaders in America. YMCA Youth and Government is a nation-wide program that allows thousands of teenagers to simulate state and national government.

Mr. Speaker, I would like to personally recognize each of this year's YMCA Youth Governors for their dedication and service to America's youth.

Hunter Patterson of Texas, Quentin James of South Carolina, Forrest McConnell of Alabama, Matthew Hughes of Arizona, Paul Gardner, III of California, Daniel Spellacy of Connecticut, Mansoor Zaman of Delaware, Taylor Siegel of Florida, Britt Bush of Georgia, Colin Clark of Illinois, Phil Reaves of Indiana, Arshiya Saiyed of Kentucky, Ty Bottoms of Kentucky, Beau Landry of Louisiana, Matt Gorman of Maine, Karima Tawfik, Amar Gupta of Massachusetts, Elissa Laskey of Michigan, Marvin Yates of Michigan, Jonathan Kent of Minnesota, Laura Kergosien of Mississippi, Sam Barrett of Missouri, Paul Morgan of Montana, Erik Ruediger of New Hampshire, Mohit Shah of New Jersey, Anne Baldwin of New Mexico, Andrew Vigliotta of New York, Niema Alimohammadi of North Carolina, Caroline DuWors of Ohio, Tony Viola of Oklahoma, William Glennie of Oregon, Davon Magwood of Pennsylvania, Dusty Good of Tennessee, Gentry Martin of Tennessee, Josh Tate of Virginia, Addison Tice of Washington, Janesse Lewis of the District of Columbia, and Iain Padley of Wisconsin.

I wish all of the 2005 YMCA Youth Governors a very successful conference here in Washington, and I encourage them to continue their sincere devotion to leadership and public service in this and their future endeavors.

THE 150TH ANNIVERSARY OF POLYTECHNIC PREPARATORY COUNTRY DAY SCHOOL

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. WEINER. Mr. Speaker, I rise today to celebrate the 150th anniversary of the Polytechnic Preparatory Country Day School. The school is a pillar of academic excellence in Brooklyn, New York. It is a true privilege to acknowledge the great strides Poly Prep has made over the years since it first opened its doors in 1854.

Since its inception as the Brooklyn Collegiate and Polytechnic Institute, the Polytechnic

Preparatory Country Day School has immersed its students in outstanding academic programs and provided a strong, supportive community. Like New York City, the school has opened its doors to students from all over the world, representing an array of cultures, languages and traditions. That commitment to diversity speaks volumes about Poly Prep's illustrious history.

The school's 150th anniversary provides a hallmark for reflection on Poly Prep's tireless efforts to provide a diverse and educationally sound environment which has led its students to academic success. Therefore, on behalf of the U.S. House of Representatives, I congratulate the Polytechnic Preparatory Country Day School on the occasion of its 150th anniversary—its Sesquicentennial—for its efforts toward educational excellence and providing an environment that is as diverse and rich in experience and tradition as New York City itself.

TRIBUTE TO DARA FELDMAN

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. VAN HOLLEN. Mr. Speaker, it is with great pleasure that I rise to congratulate my constituent, Dara Feldman, on receiving the 2005 Disney Teacher Award. The award was given in recognition of her creativity, innovative teaching methods, and ability to inspire her students.

Ms. Feldman, a kindergarten teacher at Garrett Park Elementary School, is being recognized for her efforts in the areas of Early Childhood Education. Her commitment to teaching results in a creative, high-tech kindergarten where children learn about the wonder of the world in which they live. Ms. Feldman hosts internet exchanges between her kindergarten students and kindergartners in other parts of the world. This year, her students corresponded with students in Southeast Asia who were victims of last December's tsunami.

Ms. Feldman's creativity and dedication to teaching have made her one of only 45 honorees selected from more than 50,000 nominations worldwide. Teachers like Dara Feldman are making profound contributions to the future of our country and provide a beautiful example of how America's teachers can excel.

I applaud Dara Feldman and wish her continued success in the years ahead.

INTRODUCTION OF THE HIGHER EDUCATION FOR FREEDOM ACT OF 2005

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. PETRI. Mr. Speaker, today I am introducing the Higher Education for Freedom Act. This legislation establishes a competitive grant program making available funds to institutions of higher education, centers within such institutions, and associated nonprofit foundations. These grants would promote progams focused on the teaching and study of traditional American history, free institutions, and the history and achievements of Western Civilization at both the graduate and undergraduate level, including those that serve students enrolled in K–12 teacher education programs.

Several years ago I was involved in a congressional effort to highlight the decline in historical and civic literacy among American college students. This effort led to the unanimous, bicameral passage of S. Con. Res. 129 which stated, in part, that "the historical illiteracy of America's college and university graduates is a serious problem that should be addressed by the Nation's higher education community."

Given the increased threat to American ideals in the trying times in which we live, it is easy to see how the lack of historical and civic literacy among today's college students has become a more pressing issue. Nevertheless, most of the Nation's colleges and universities no longer require United States history or systematic study of Western civilization and free institutions as a genetal prerequisite to graduation, or for completing a teacher education program.

I believe it is time for Congress to take a more active role in addressing this matter. Our country's higher education system must do a better job of providing the basic knowledge that is essential to full and informed participation in civic life and to the larger vibrancy of the American experiment in self-government, binding together a diverse people into a single Nation with common purposes.

A TRIBUTE TO DR. JOON BANG

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. TOWNS. Mr. Speaker, I rise to acknowledge Dr. Joon Bang. Dr. Bang is President of the Korean American Youth Foundation, a non-profit organization dedicated to improving the lives of Korean American youth. He has been involved since 1993 with Foundation.

The Foundation's mission is to help Korean American youth develop a positive, healthy identity through self-awareness, career planning, and mentoring. Every year, the Foundation sponsors an essay contest titled "What America Means to Me" for Korean American youth that awards college scholarships to the winners. In 2001 the Foundation collaborated with WNET Channel 13 to expand the contest to include young people of all backgrounds.

The Foundation raises money to create an annual career forum for Asian American youth presented by the Flushing branch of the YWCA and the Korean American Network. It also sponsors Korean cultural events and performances for the community that attracts performers from across the country. Dr. Bang is also a member of the Advisory Board for Youth Affairs for the Institute of Korean-American Studies, Inc. (ICAS in Philadelphia).

Dr. Bang has devoted his time to introducing positive images of the Korean American community to the metropolitan area through public television. In 1994, he founded "Korean Friend's of Channel 13" and served as president until 1999. In this capacity, he helped WNET Channel 13 develop a number of fundraising events to assist the March 1999 production of "Korean American Spirits," a documentary featuring the lives of Korean Americans in the tri-state area. The program raised more than $140,000 for public broadcasting. For his contributions, Dr. Bang was named the 1997 recipient of the National Friends of Public Broadcasting and Elaine Peterson Distinguished Service Award.

Dr. Bang was born in Korea and graduated from the Medical College, Seoul National University, in Seoul, Korea in 1970. He came to the United States in 1973 and became a board-certified internist in 1978. He is an internist at the New York Methodist Hospital in Brooklyn.

Dr. Bang is the recipient of the 2001 Caring for Children Award. Mr. Speaker, Dr. Joon Bang has continuously demonstrated through his humanitarian efforts to improve the lives of the people in his community that he is more than worthy of our recognition today.

IN RECOGNITION OF THE FOURTH ANNUAL CELEBRATION OF WOMEN IN THE LAW

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to recognize the state of New York's fourth annual Celebration of Women in the Law. On May 25th, 10 Western New York women were honored for their outstanding contributions to the bench and the bar. The event, hosted by the state's Gender and Racial Fairness Committee, is both inspiring and heartening. I would humbly like to submit brief descriptions of the careers of some of these remarkable women to the CONGRESSIONAL RECORD. I hope all of the honorees are proud of their achievements; I know that I am proud to serve as their representative in Congress.

Genevieve Capizzi has come a long way since starting out as a clerical assistant in the Buffalo City court 27 years ago. Due to her perseverance and strong work ethic, she is currently the principal administrative assistant for the 8th Judicial district. In 2003 Ms. Capizzi was awarded the Office of Court Administration's Quality Service Award for her leadership and service.

Chautauqua county Family Court Judge Judith Claire graduated from SUNY at Buffalo Law School and has become a pioneer for women in the legal profession in Western New York. Not only was Judge Claire the only practicing female attorney in the Chautauqua county when she first arrived in 1978, but in 1999 Judge Claire became the first and only woman to be elected to a countywide judgeship. In 2004 she was appointed to New York State Family Court Advisory and Rules committee that helps formulate policy and recommends amendments to state laws.

Helen Ferraro-Zaffram is concentrated in the practice of elder-law. Ms. Ferraro-Zaffram previously held a position as a staff attorney for legal services for the elderly, disabled and disadvantage of New York. Helen was nominated for this award by Supreme Court justices who recognized her tireless efforts on behalf of the elderly.

Ilene Fleischmann leads a busy life serving as the associate dean of the University of Buffalo Law School. She is the editor of the UB

Law forum magazine and the editor of the University of Buffalo Law Links, the Law School's quarterly email newsletter. Prior to her work at the law school, she was a staff reporter and features columnist for the Buffalo Courier Express as well as a freelance writer.

Retired Supreme Court Judge Rose Lamendola is another extremely distinguished award recipient. Judge Lamendola served in the state attorney general's office to go on to be the first woman Erie county court judge. On June 13th, in 1995 she was appointed by governor Pataki a State Supreme Court justice and served until her retirement in 1999.

Janic Rosa was honored for her outstanding career in family law. Prior to her election to the Supreme Court in 2002, Rosa served as an Erie county family court judge. Under her direction, the court has appointed social workers to assess the needs of families and children. She even allows parents to put parenting plans together instead of litigation. Judge Rosa's creativity and compassion are both greatly admired.

Anna Scott is a Buffalo Attorney who was an educator for over 20 years before becoming an attorney. She taught in the Buffalo city school and attended University at Buffalo Law school. She was honored for her pro bono work for members in the community who can not afford attorneys.

Carolyn Van Schaik, Esq., passed away two years ago, but her memory will be immortalized at a residence for homeless women. Ms. Van Schaik graduated from the University of Dayton School of Law in 1990 before moving to Western New York to practice law. She was a former executive director of the not-for-profit organization, center city neighorhood development corp. She teamed up with the YWCA of Niagara in Lockport on a project to renovate an abandoned historic building in Niagara falls and turned it into transitional housing for homeless women and their families. Her husband, Niagara county assistant district attorney Robert Zucco, accepted the award on her behalf.

Also awarded were State Civil Service Commissioner Margaret Dadd and Chief Clerk Joann Wahl of the Fourth department appellate court in Rochester.

In closing, Mr. Speaker, I want to reiterate my appreciation for these women and the exemplary standards that they have set for members of their profession, male or female. As a strong supporter of gender equality, I hope that this celebration encourages other women to be involved in the legal system and to seek positions of leadership in all fields, regardless of profession. I congratulate all of the honorees.

A TRIBUTE TO MEL YOST

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. UDALL of Colorado. Mr. Speaker, I rise today to pay tribute to Mel Yost, one of our community's most compassionate advocates, who passed away on June 1, 2005. I had the privilege of knowing this remarkable man personally and working with him the past 8 years on numerous issues to help improve the lives of those oppressed by poverty, disease, and hopelessness throughout the world.

Mel Yost was one of three key founders of the first Colorado RESULTS chapter in 1983. He believed implicitly in the purpose of RESULTS "to create the political will to end hunger and the worst aspects of poverty and to empower individuals to have breakthroughs in exercising their personal and political power." Mel was active with RESULTS for 22 years and attended the first RESULTS Regional Conference in San Diego in 1986. In September 1990 in Denver's City Park at the World Summit of Children's Candlelight Vigil, Mel read Ina J. Hughes' "Prayer for Children" before 3,000 people, including the Governor and most of Colorado's national and local politicians. Often accompanied by his wife, Jan, Mel attended every RESULTS International Conference from 1985 through 2004.

He worked as a truck driver for Safeway for 30 years and frequently regaled his friends with stories of driving trucks in the mountains of New Mexico, Colorado, and Utah. He happily used expressions like "hammer on down, blue whiskey," his radio handle, and "put the pedal to the medal, baby."

In recent years, Mel hosted many meetings of the Denver and Boulder RESULTS groups because his retirement community was located halfway between the cities. He was a founding member in 1997 of the "Experiment in Democracy and Citizenship" group begun by my predecessor Representative David Skaggs. He continued to serve on this task force for me, sharing consensus decisions and creative solutions about federal legislation.

Mel always urged people to have fun. If a project wasn't fun, he didn't want to do it. He frequently read poetry, sometimes his own, at RESULTS meetings. Friends always looked forward to receiving his letters because they were poetic, compassionate, and showed clearly his positive approach to life, along with his kindness, his love of family, his love for all children, and his caring for the poor and oppressed of the world.

In what was to be his final presentation to the Colorado RESULTS group, Mel recalled founding the organization in 1983 to work on ending hunger and poverty in the world and to provide hope to the hopeless. His final words of advice were to "hook your mind up to your heart and let 'er rip, because that's the only way to get anything done."

I ask my colleagues to join me today in honoring the life of Mel Yost. Our world is better because of him.

PRIVATE FIRST CLASS STEVEN C. TUCKER

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. MARCHANT. Mr. Speaker, I rise to express my condolences and heartfelt sympathy to the family and friends of United States Army Private First Class Steven C. Tucker of Grapevine, Texas.

Private First Class Tucker was killed in action on Saturday, May 21, 2005, at the age of 19, in Kandahar, Afghanistan, in support of Operation Enduring Freedom. He graduated from Colleyville Heritage High School in May of 2004, and completed boot camp in December of the same year. Private First Class Tucker was assigned to A Company, 2nd Battalion, 503rd Infantry, 173rd Airborne Brigade, in Vincenza, Italy.

I would like to take this opportunity to pay tribute to Private First Class Tucker. This brave young man made the ultimate sacrifice for the security of his country and for the defense of democracy worldwide. He was an outstanding young man; and we should all be grateful for his noble contributions to this nation and the advancement of freedom.

I am proud to call Private First Class Tucker one of our own, and again deeply sorry for his family and friends who have suffered this loss. His legacy will remain, as the men and women of our armed services continue to fight for liberty—both abroad and on our home soil.

PERSONAL EXPLANATION

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. HINOJOSA. Mr. Speaker, I regret that I was unavoidably detained. Had I been present, I would have voted "no" on rollcall No. 234.

IN HONOR OF COLORADO TRAIL FOR MULTIPLE SCLEROSIS

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. UDALL of Colorado. Mr. Speaker, I rise today to recognize seven men, George Bishop, Matt Celesta, Joe McConaty, Matthew McConaty, John-Paul Maxfield, Dan Murray, and Chad Spurway, all Colorado natives, who have embarked on an incredible journey for Multiple Sclerosis.

Multiple Sclerosis is the number one disabling neurological disease among young adults, and the most commonly diagnosed neurological disease among those aged 20 to 50. Some 400,000 Americans, including 7,000 Coloradans, have MS. The incident rate in Colorado is much higher, 1 in 625, than the rate of southern states such as Texas, which has a rate of 1 in 10,000. These men recognize the severity of the disease and are giving themselves in an exemplary way to combat the disease.

On July 2, 2005, seven life-long friends will begin a five-week hike along the famous Colorado Trail. The trail covers eight mountain ranges, seven national forests, six wilderness areas, and five major river systems in the 471 mile path from Durango to Denver. The purpose of this special journey is to raise awareness of Multiple Sclerosis and raise money to help find the cure to a disease that has the potential to become the polio of this generation.

These seven men are the definition of community service, giving their time and energy towards such an extraordinary cause. They have started an organization, Colorado Trail For Multiple Sclerosis, "CT4MS," and are raising money to donate to The Rocky Mountain Multiple Sclerosis Center. To date, CT4MS has raised $132,192 of $250,000 they hope to

raise by the time they finish in August. They are well on their way to raising an enormous amount of money towards a cause that needs immediate attention.

Mr. Speaker, I ask my colleagues to join me in commending George Bishop, Matt Celesta, Joe McConaty, Matthew McConaty, John-Paul Maxfield, Dan Murray, and Chad Spurway for their efforts and pledging support for Colorado Trail For Multiple Sclerosis.

RECOGNITION OF ARMY SPECIALIST BRIAN M. ROMINES

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. SHIMKUS. Mr. Speaker, I rise today to recognize the life of Army Specialist Brian Romines who was recently killed in action fighting for freedom outside Baghdad, Iraq.

Romines was a 20-year-old native of Simpson, Illinois who served as an Army Specialist assigned to the A Battery, 2nd Battalion, 123rd Field Artillery Regiment, Army National Guard in Milan, Illinois. He was a 2003 graduate from Vienna High School, Vienna, Illinois. After his 18th birthday and his high school graduation, Romines felt the call to duty and signed up for the National Guard. According to reports, he was killed outside of Baghdad by a roadside bomb.

Romines is survived by his mother, Melinda Austin of Dongola, Illinois, his father, Randy Romines of Simpson, Illinois, and his brother Randall Romines, also a member of the National Guard. I am proud of the service this young man gave to our country and the service his fellow troops perform everyday. Not enough can be said about Army Spc Romines. It is troops like him that are risking their lives day in and day out to ensure our freedom here at home and to others throughout the rest of the world. I salute him and my best wishes go out to his family and all the troops fighting to ensure freedom and democracy. May God bless them and may God continue to bless America.

IN CELEBRATION OF THE TENTH ANNIVERSARY OF SPOTTED EAGLE HIGH SCHOOL

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Ms. MOORE of Wisconsin. Mr. Speaker, I rise today to recognize the achievements of an outstanding high school in my district. On June 10, 2005, Spotted Eagle High School celebrates its Tenth Anniversary. For the past decade, Spotted Eagle High School has offered a supportive learning environment not only for the Native American students for whom it was designed, but for a multiracial body of at-risk youth whose needs require the intensive and individualized attention the school provides.

Spotted Eagle was established in 1994 by the Milwaukee Area American Indian Manpower Council in partnership with the Milwaukee Public Schools, the Milwaukee Area Technical College and the Indian Community School of Milwaukee.

Spotted Eagle High School's mission is to promote an appreciation for all cultures, emphasizing their relevance in today's society. The school endeavors to create a sense of community while emphasizing building skills that can contribute to students' self-reliance. The curriculum includes strong School- To-Work components; a culturally-integrated, competency-based, student-centered curriculum; and social services designed to meet the educational needs of their students and their families.

Mr. Speaker, it is a fact that many young people in Milwaukee face daunting challenges in completing their education because they live in poverty. Spotted Eagle High School recognizes those challenges, and provides specialized support services to assist students in coping with them as they strive to complete their educational goals. Case managers work directly with students to ensure that family needs are being addressed. Students at the school benefit from the emphasis on parental involvement, and access to health-related services and alcohol and drug awareness programs. Members of the school staff are rooted in the same cultural communities as the students they teach. Education and support program are designed to be relevant to students' cultural backgrounds, increasing the likelihood that students will stay in school and complete their education.

I know firsthand that caring and committed educators have the ability to empower students. I salute the staff, board members, present and former students and parents of Spotted Eagle High School for their efforts to transform the lives of Milwaukee's youth. I wish them the best as they celebrate their Tenth Anniversary, and look forward to celebrating many more milestones and achievements with them.

A TRIBUTE TO REV. ROBERT CHARLES JEFFERSON, FOUNDER AND SENIOR PASTOR OF CULLEN MISSIONARY BAPTIST CHURCH

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. AL GREEN of Texas. Mr. Speaker, Today I pay tribute to a noble spiritual leader, a friend and my pastor, Rev. Robert Charles Jefferson. As the founder and senior pastor of the Cullen Missionary Baptist Church, he will, on Sunday, June 12, 2005, celebrate more than 28 years of loyal and dedicated service to not only the ministry but to the people of the great city of Houston, TX, as well.

Mr. Speaker, Rev. Jefferson was born on January 12, 1942 in Baton Rouge, LA. After completing his undergraduate education, he moved to Houston, TX, where he completed graduate study at Texas Southern University and InterBaptist Theological Center. For more than 17 years, before accepting his call to the ministry, Rev. Jefferson ran a very successful air-conditioning business. Because he is a great spirit-filled religious leader, in 1977, he was led to organize Cullen Missionary Baptist Church where, since its founding, he has served as senior pastor.

Rev. Jefferson is known throughout the community as a "bridge builder." Over the years, he has successfully been able to distinguish Cullen Missionary Baptist Church as a center for community activism as well as a haven for those in need of care. In 1991, he established the Cullen Christian Child Development Center, a daycare center for Christian youth. A few years later, in 1998, his leadership led to the creation of the Cullen Senior Citizens Ministry, Inc., which has provided more than 54 affordable housing units for seniors 55 and older. His housing ministry also recently created: "Brand New City, Inc.," which has built, since its inception, more than 500 houses for low income families and is well on its way to surpassing that number this year.

Mr. Speaker, Rev. Jefferson is not one who takes his role in the business of saving lives and souls lightly, and his membership in the Houston Branch of the NAACP, where he has served since 1987 as the Director of Religious Affairs, is indicative of that commitment. Even as he works tirelessly as a full-time pastor, he has managed to fulfill the roles of moderator of the Houston Gulf Coast Baptist Association; president of the Ministry Advisory Council of Houston and chairman of the board of Love Our Kids, Inc. He is the founder president of city-wide summer recreational programs and since 1979, coordinated programs for Houston's Ministers Against Crime, Inc.

Rev. Jefferson is the recipient of a number of honors and awards that include, but are not limited to certificates of appreciation from then-Governor of Texas, Ann Richards, and Houston Mayor Bob Lanier in 1992. That same year, he also received the Barbara Jordan Leadership Award in recognition of his uncompromising commitment to diversity and human rights. Over the years, tributes from Texas Southern University, the Houston Defender, Anheuser-Busch Companies and others have all highlighted the accomplishments of one of Houston's greatest spiritual leaders.

Finally, Mr. Speaker, when history records the legacy of Rev. Robert Charles Jefferson, I believe he will be touted as a visionary who has dedicated his life to ensuring that no one is left behind.

CONGRATULATING THE UNIVERSITY OF MICHIGAN WOMEN'S SOFTBALL TEAM ON WINNING THE WOMEN'S COLLEGE WORLD SERIES.

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. DINGELL. Mr. Speaker, I rise today to honor and congratulate the University of Michigan women's softball team on Winning the Women's College World Series (WCWS), bringing home the first national championship in the softball program's history. Displaying the hard work and tenacity they acquired through a grueling 72 game season, this team dug deep and rose to victory, defeating the two-time defending champion UCLA Bruins 4–1 in extra innings.

This season Michigan advanced to its eighth WCWS, earned its first No.1 national ranking and won its 10th Big Ten Conference championship and seventh Big Ten Tournament

title. Head coach Carol Hutchins earned the 900th victory of her career in 2005, while junior Jennie Ritter earned the honor of Big Ten Pitcher of the Year and was one of three finalists for USA Softball Collegiate Player of the Year.

Michigan was the first team east of the Mississippi to reach the championship game of the Women's College World Series and the first non-West Coast school to be ranked No.1 midseason.

Proving they are more than just athletes, these inspiring young women balanced classwork and community service with practice and over 15 games per month—all while maintaining strong academic records with six team members earning Academic All Big Ten honors.

Mr. Speaker, I ask that you and all of my colleagues join me in sending our heartfelt congratulations to coach Carol Hutchins for her coaching and leadership, and to the Women's College World Series Champions, the remarkable Wolverine women: Lorilyn Wilson, Jennifer Kreinbrink, Lauren Talbot, Tiffany Worthy, Stephanie Bercaw, Michelle Teschler, Stephanie Winter, Grace Leutele, Lauren Holland, Jennie Ritter, Samantha Findlay, Alessandra Giampaolo, Nicole Motycka, Rebekah Milian, Tiffany Haas, Michelle Weatherdon, Jessica Merchant, Becky Marx, and Angie Danis.

INTRODUCING THE TEACHER EXCELLENCE FOR ALL CHILDREN ACT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. GEORGE MILLER of California. Mr. Speaker, I am pleased today to introduce an important piece of new legislation, the Teacher Excellence for All Children Act, that is the next step our country needs to take to ensure that every teacher in every classroom, teaching every child, is highly qualified.

First and foremost, I want to thank our teachers for their dedication and commitment to taking on the overwhelming demands of their profession. We ask them to perform miracles every day in our underfunded and overcrowded system. And we owe it to them and to their students to provide more than rhetoric about our commitment to encouraging talented people to enter the field and stay there.

Let me also thank the organizations, and their members, who go to work every day with the commitment to help our schools and our students succeed. They are a great constituency for this legislation, and I welcome their support and their input in its development. Thank you to the Alliance for Excellent Education, the American Federation of Teachers, the Business Roundtable, the Center for American Progress Action Fund, the Children's Defense Fund, the Council of Great City Schools, the Education Trust, the National Council on Teacher Quality, the National Council of La Raza, the National Education Association, New Leaders for New Schools, the New Teacher Project, Operation Public Education, Teach for America, the Teacher Advancement Program Foundation, and The Teaching Commission.

We know the dismal effects on students when they lack the highest quality teachers. And we know that there are many reasons why people decline to enter the teaching profession, or decide not to remain there. Reasons such as low pay, lack of professionl development, unreasonable burdens, or little opportunity for advancement. Congress cannot afford to ignore this immediate and mounting crisis in the teaching profession that will grow exponentially as an unprecedented number of teachers retire in the next five years.

My 45 colleagues who are original cosponsors and I are prepared to respond to this challenge facing American education with an innovative approach that matches the seriousness of the challenge with the ''The TEACH Act of 2005''—the next step our country needs to take to ensure that every teacher, in every classroom, teaching every child, is highly qualified.

The most important single factor in determining a child's success in school is the quality of his or her teacher. We all remember a teacher—or even several teachers—who made us proud of ourselves for what we accomplished and helped us face our future with hope and confidence. Imagine if every one of our teachers over the years had given us that same strength.

The TEACH Act will accomplish four critical goals: Increase the supply of outstanding teachers; Ensure all children have teachers with expertise in the subjects they teach; Identify and reward our best teachers; Keep the best teachers and principals in our schools.

This bill is a major legislative initiative that will attract our most talented teachers to the classrooms of our nation's toughest public schools—and encourage them to stay there.

When our nation's school doors close for the summer later this month, more than 200,000 teachers, nearly 6 percent of the teaching workforce, will leave the profession. Over the next decade, we will need to hire more than two million new teachers to serve in our public schools. Yet today, we have no national plan for attracting outstanding students into the teaching profession, or keeping them there.

A large proportion of those who do enter teaching remain a short time, discouraged by low salaries, inadequate opportunities for professional development, and low public esteem. By failing to address this problem, Congress is shortchanging our children and costing taxpayers more than $2.6 billion annually replacing teachers who have dropped out of the profession. We need to act immediately to assure that we have an adequate supply of exemplary teachers for the next generation of students.

My bill addresses this need by helping school districts to pay more competitive salaries and by offering up-front tuition assistance to talented undergraduates committed to a career in education, to established teachers working in fields like math and science, where the teacher shortage is most acute, and to retirees with math and science expertise who would like to join the ranks of our nation's teachers.

The TEACH Act also offers up to $20,000 in loan forgiveness to highly qualified teachers wbo are working in high priority communities.

The TEACH Act also helps new teachers transition into the classroom and build their skills through state-of-the-art induction programs that include proven strategies such as structured mentoring, common lesson-planning, and intensive professional development.

My bill also addresses the problem that poor children are far less likely to be taught by expert teachers. Nearly three-quarters of math classes in high-poverty middle schools are taught by teachers who lack a major—or even a minor—in math. The TEACH Act provides higher pay for exemplary highly qualified teachers and principals who transfer into the hardest-to-staff schools where they can help the children who need them most. Making sure these children are taught by a well-trained teacher is crucial because over a five year period, it can close the performance gap between low-income and high-income students.

The TEACH Act also helps create true career ladders that allow teachers to advance in the profession as they gain new knowledge and skills. The bill would augment the salaries of teachers who seek out opportunities to advance their own professional development and to mentor colleagues who are new to the profession.

We also know that nothing is more important in attracting—and keeping—outstanding teachers than outstanding principals. My bill raises standards and improves recruitment and training for new principals.

Teaching is not just another job. Teaching is a career that must be satisfying in itself, that must attract the best people, and that must instruct our children to succeed in an increasingly competitive world.

We can have a dynamic and exciting future for America's schools and their students. We have the national resources. Now, we must make the commitment.

We must dedicate the necessary resources, demand the necessary results, and stay with it to the end to make sure that every child in America has a teacher we can all be proud of and that every teacher in America can say they are proud of us too for the support we give them.

I would also like to acknowledge three reports that were particularly useful. The Teaching Commission's report, Teaching at Risk: A Call to Action; the Center for American Progress report. Ensuring a High Quality Education for Every Child by Building a Stronger Teaching Force, and the National Academy of Education report A Good Teacher in Every Classroom: Preparing the Highly Qualified Teachers Our Children Deserve. All three reports were extremely instrumental, particularly in identifying practices that are working well and need to be taken to scale.

The TEACH Act will take us where research and experience say we need to go: stronger teachers, stronger principals, stronger schools. I look forward to achieving the vision of a better school system for all of our children.

INTRODUCTION OF THE NEW APOLLO ENERGY ACT

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. INSLEE. Mr. Speaker, in April 2005, the House of Representatives once again passed an antiquated and outdated energy bill that fails to address the grave realities that our country faces today. With record high gasoline prices, we need an energy bill that diversifies our automobile fuels and encourages domestically manufactured fuel efficient vehicles.

With millions of family wage manufacturing jobs lost since 2001, we need an energy bill that takes bold action to tap into American ingenuity in order to lead the world in new clean energy technology, rather than playing catch-up to the Japanese, Danish, and Germans. Just as concerning is that our reliance on Middle Eastern oil, creates a need to establish an energy policy that allows us to end our historically objectionable policies in this area. Additionally, the science is clear that our greenhouse gas emissions are threatening to significantly change the world's climate, yet this energy bill does not even contain the words ''climate change'' or ''global warming''. The House passed Energy bill does little, or nothing, to address these mounting concerns.

That is why I, and several of my colleagues, have joined together to introduce the most innovative and comprehensive energy plan in recent decades, known as the New Apollo Energy Act. New Apollo seeks to solve America's energy crisis through technological innovation much in the same way that President Kennedy channeled the resources of the American people in the 1960's to meet the challenges of the race to the Moon.

The New Apollo Energy Act has the three simple goals of: (1) breaking our addiction to Middle Eastern oil, thereby increasing our Nation's homeland security; (2) creating millions of high paying domestic jobs; and (3) addressing the environmental problem presented by global warming.

Highlights of our New Apollo Energy Act include: Significant tax incentives for the development, manufacturing, and purchasing of domestic clean energy technologies; Investment in energy efficient infrastructure and regulatory oversight; An oil savings provision that requires the President to use existing authority to reduce the daily consumption of oil by 600,000 barrels by 2010 and 3,000,000 barrels by 2020 (approximately what we currently import from the entire Middle East); Increased funding for LIHEAP and weatherization projects; A 10 percent Renewable Portfolio Standard by 2021; Electric grid reliability standards; Appliance efficiency standards; A renewable fuels standards set at 8 billion gallons by 2013.

The New Apollo Energy Act creates jobs. It is often falsely assumed that environmental protection and innovation comes at a cost to the economy, yet study after study concludes that environmental stewardship and technological ingenuity can walk hand in hand. The University of California at Berkley reported that the renewable energy sector generates more jobs per megawatt of power installed, per unit of energy produced, and per dollar of investment, than the fossil fuel-based energy sector. The Apollo Alliance has found that a substantial federal commitment to clean energy could yield up to 3.3 million jobs nationally. The University of Michigan concluded that United States stands to lose 38,000–207,000 jobs if the domestic automotive industry fails to retool their plants to adjust to the growing hybrid vehicle market. Further, the Department of Energy has estimated that standards just on clothes washers, water heaters, and fluorescent lamp ballasts will create 120,000 jobs through 2020.

The New Apollo Energy Act reduces our dependence on foreign oil. We no longer have to accept an energy bill that fails to encourage the usage of renewable energy or one that fails to reduce our consumption of foreign oil. The Department of Energy's own independent research body—the Energy Information Agency (EIA)—concluded that under the Administration's proposed energy plan over the next 20 years, our oil imports will increase to 80 percent, and gas prices are likely to rise 3–8 cents, which would be the equivalent projections of enacting no energy bill at all. The EIA has also reported that despite the electric utilities' repeated claims that a renewable energy standard would hurt consumers and the economy as a whole, a 10 percent renewable energy standard by 2020 would cost consumers almost nothing—about the difference of 1 percent spread out over the next 15 years.

The New Apollo Energy Act reduces greenhouse gas emissions. Among other things, the New Apollo Energy Act provides tax credits and loan guarantees to develop more cellulosic biomass and biodiesel while providing incentives to produce and purchase energy efficient projects and developing new efficiency standards for the home.

Most importantly, this bill includes a tradable greenhouse gas permit scheme that closely resembles McCain-Lieberman's Climate Stewardship Act. In 2010, our bill would cap carbon dioxide emissions at 2000 levels. This would also include an auction for 5–10 percent of the permits for new entrants. As Members of Congress we are continually amazed that many of our colleagues have yet to accept global warming as fact. Many of us have seen the effects of global warming with our own eyes—the disappearing glaciers in Glacier National Park, the melting permafrost in the Arctic, the disintegration of ice shelves, the rapidly rising temperatures, and the sudden appearance of birds and other animals in places where they have never before existed. Global warming is about as much a theory as gravity, yet some in Congress continue to ignore nature's warning signs. Congress needs to embrace a policy that directly confronts the problem of climate change with the kind of innovative technology that has made science aware of these issues.

The New Apollo Energy Act is revenue neutral. This bill is funded by closing corporate tax shelter loop-holes, and from funds generated by the carbon emissions cap and trade program set up in this bill.

A TRIBUTE TO REV. JONATHAN OWHE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. TOWNS. Mr. Speaker, I rise to honor Rev. Jonathan Owhe, a native born Nigerian who immigrated to the United States of America in 1989 in answer to God's Call to restore a dying world. Rev. Owhe, a distinguished scholar holds a Bachelors of Arts in Earth Science, Masters of Science in Non-profit Management and Ministry Ordination/Licenses from Assembly of God's Church, Coastville, PA.

Since coming to the United States he has served in different capacities and worked with various organizations and community leaders. He once served as a Special Assistant to Rev. Clearance Williams, pastor of the House of Prayer Church; Director of Project & Program, Vice President of Human Resource under the late Chief Adebowale Joshua of Central Brooklyn Coordinating Council; Director of Human Resource/Public Relations/Grants under Ngozi Moses of Brooklyn Perinatal Network.

In 1995 Rev. Jonathan Owhe and his wife started the Christ The Rock International Church in their living room with just a couple of members. The church now has over 400 parishioners at its Brooklyn headquarters as well as two branches in Tennessee and Georgia and over 300 churches in Africa, Asia, and Europe.

Rev. Owhe is a community oriented individual. Concerned with the health disparities and social disintegration of inner city neighborhoods, he founded the Rockgate Community Development Inc. Through this organization, various social, health and educational programs have been created, including Faith in Action Volunteer Care Services, Housing Referral and Counseling Services, Infant Mortality Reduction & Maternal Health Initiative, Comprehensive Youth Leadership & Mentoring Program, HIV/Aids Outreach Services, and a Food Pantry program which feeds hundreds of people weekly.

Rev. Jonathan Owhe is the Chairman of the Rockgate Tours, a transportation ministry—taking passengers all over the United States. He sits on various boards and steering committees of major health and social service organizations including the Brooklyn Prenatal Network Inc., Brooklyn Pediatric Health Network, New York City Comprehensive Prenatal Network, and the Greater Southern Coalition Network.

Rev. Owhe has a television program called Hour of Restoration, which reaches thousands of homes each week. He and his wife, Toyin, have five children. Mr. Speaker, Rev. Jonathan Owhe has continuously demonstrated his dedication to his community through his role as a religious leader and his commitment and generosity in helping others that he is more than worthy of our recognition today.

RECOGNIZING SOUTHERN ILLINOIS AIRPORT AS THE 2005 RECIPIENT OF THE GENERAL AVIATION AIRPORT OF THE YEAR AWARD

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing Southern Illinois Airport for being awarded the General Aviation Airport of the Year for 2005 by the Illinois Department of Transportation.

Southern Illinois Airport is located between Carbondale and Murphysboro, and is among the busiest airports in the state, with 120,000 takeoffs and landings each year. In addition to the private and business customers who use the airport on a daily basis, Southern Illinois Airport is also home to the Aviation Management and Flight programs for Southern Illinois University Carbondale.

The airport is designed to accommodate aircraft from the smallest propeller airplanes to the small jets used in business fleets. Its proximity to the commercial, recreational and educational facilities of Southern Illinois make it convenient for the private or business traveler.

Location alone is not responsible for the success of Southern Illinois Airport. Airport Manager Gary Shafer and approximately 200 full and part-time employees have earned through their hard work and commitment to excellence no only the General Aviation Airport of the Year Award for 2005 but the continued respect and confidence of the flying public. This marks the fourth time that Southern Illinois Airport has been the recipient of this prestigious award, the second highest number among all the airports in the state of Illinois.

Mr. Speaker, I ask my colleagues to join me in congratulating Airport Manager Gary Shafer, the Commissioners and staff of Southern Illinois Airport for this very well-deserved award.

CONGRATULATING THE WESTERN NEW YORK LETTER CARRIERS FOR THEIR ''STAMP OUT HUNGER'' WIN

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. HIGGINS. Mr. Speaker. I rise today to congratulate the Western New York Letter Carriers for coming in first National Association of Letter Carriers in the ''Stamp Out Hunger'' food drive.

On June 7th, the NALC announced that Branch 3 of Buffalo/West New York managed to collect a whopping 1,896,038 pounds of donations, placing them in the lead for a third consecutive year. The resolve of the 2,100 members of Branch 3 to collect and process donations at community food banks is commendable, and it is just another example of the hard work and dedication that our letter carriers put into their jobs.

The National Association of Letter Carriers is over 100 years old and the Buffalo/Western New York branch was one of the founding branches in the union. The members are active in both labor issues and the community. The post officers are considered neighbors and friends, delivering mail daily and offering reliable service to residents throughout the county. Despite long winters and the harsh cold, each year the postal carriers have been dependable and enthusiastic, and their first place position in the ''Stamp out Hunger'' food drive perfectly illustrates these traits.

I would like to thank all the letter carriers for their tireless efforts and to thank the union laborers in Buffalo and throughout Western New York. The union workers of my district comprise the foundation of our sense of community and values. We would be lost without their help. I would like to express my appreciation and gratitude for the indispensable part that they play in our daily lives, and to congratulate them in their ''Stamp Out Hunger'' food drive win.

FREEDOM FOR HORACIO JULIO PIÑA BORREGO

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Horacio Julio Piña Borrego, a political prisoner in totalitarian Cuba.

Mr. Piña Borrego is a pro-democracy activist in totalitarian Cuba. He is a member of the Party for Human Rights in Cuba. Because of his belief in freedom, democracy, and human rights, Mr. Piña Borrego has been a target of the nightmare called the Castro regime.

According to Amnesty International, in 2001 Mr. Piña Borrego was detained by the tyrant's security thugs. However, despite constant harassment, and the ever present threat of being thrown in the gulag for his beliefs, Mr. Piña Borrego bravely persisted in advocating for human rights and freedom.

On March 19, 2003, as part of the dictator's condemnable crackdown on peaceful pro-democracy activists, Mr. Piña Borrego was arrested because of his belief in freedom and human rights. In asham trial, he was sentenced to 20 years in the inhuman, totalitarian gulag.

Mr. Piña Borrego is currently languishing in an abhorrent, inhuman cell in the totalitarian gulag. These depraved conditions are truly appalling. The State Department describes the conditions in the gulag as, ''harsh and life threatening.'' The State Department also reports that police and prison officials beat, neglect, isolate, and deny medical treatment to detainees and prisoners, including those convicted of political crimes. It is a crime of the highest order that people who work for freedom are imprisoned in these nightmarish conditions.

Because of courageous Cuban men and women, like Mr. Piña Borrego, freedom and democracy are on the march in Cuba. These pro-democracy activists languish in abhorrent dungeons, they defy the dictator's machinery of repression and, despite every threat and obstacle, these opposition leaders continue to demand liberty for the people of Cuba. Through their bravery and because of their unwavering commitment and the hard work and commitment of countless other patriots, Cuba will be free again.

Mr. Speaker, Mr. Piña Borrego is suffering in a grotesque gulag because he believes in human rights. My colleagues, we cannot allow peaceful pro-democracy activists to languish in the depraved prisons of tyrants. We must demand immediate and unconditional freedom for Horacio Julio Piña Borrego and every prisoner of conscience in totalitarian Cuba.

REMEMBERING NATHANIEL KRUMBEIN

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. CANTOR. Mr. Speaker, I rise today to honor the passing of Nathaniel Krumbein. Nat Krumbein was a pillar of the Richmond community and a key figure in the growth of the Richmond-based Heilig-Meyers furniture company.

Mr. Krumbein was a successful pharmacist in Charlotte, North Carolina before moving to Richmond in 1950 in order to help with his wife's family business. He worked with Chairman and CEO Hyman Meyers and President and Vice Chairman Sidney Meyers to help Heilig-Meyer become the nation's largest furniture retailer. As one of the owners and the creative force behind the company, he is credited with the expansion of product lines to include non-furniture departments and was responsible for initial store acquisition and construction for all the company's locations. The company had more than 100 stores by the time he retired as vice chairman of the board in 1984.

Mr. Krumbein was also a dedicated philanthropist and activist. He served as Chair of the Virginia Chapter of the Anti-Defamation League as well as on the National Board. For his service, he was made an Honorary Life Commissioner of the ADL. Also, Mr. Krumbein's commitment to the fair treatment for all people led to his involvement in the development of the Council of America's First Freedom. He was a strong proponent of education, conservation, and equality for all and worked enthusiastically throughout his life to improve our society. Among all of his commitments, Mr. Krumbein continued his work as a pharmacist and received the Virginia Outstanding Pharmacist Award in 2002.

Mr. Krumbein is survived by his wife of 61 years, Amy Meyers Krumbein; three sons, Charles Krumbein, Michael Krumbein, and Lee Krumbein; and one daughter, Joyce Slater. Mr. Speaker, I hope you will join me in honoring Nathaniel Krumbein and offering our sincerest condolences to his family and friends.

TRIBUTE TO DR. EVERETT L. DARGAN

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Everett L. Dargan, an outstanding surgeon, a devoted husband and father, and an all-around good citizen of South Carolina.

At the age of 15, Everett Dargan, a native of Columbia, won a scholarship to Morehouse College in Atlanta. He later transferred to the University of Buffalo in upstate New York where he earned a bachelor's degree in biology in 1949. Dargan credits the faculty and administration of Morehouse College, in particular then-Morehouse College President Benjamin E. Mays, Ph.D. and Harold Eugene Finley, Ph.D., for instilling a lifelong sense of academic discipline, the inspiration to dream that a career in medicine was possible for him, and a dedication to personal excellence. ''Dr. Finley put me into warp speed and opened up new worlds to me—embryology, anatomy and zoology. Seeing bacteria and red blood cells was like discovering new life forms on 'Star Trek.' He was a taskmaster and insisted on perfection,'' Dargan recalls. ''But he also had a sense of humor. He was my mentor.''

Dargan contined his education at Howard University's College of Medicine where he earned his M.D. and also won First Prize in Medicine. After medical school, he completed his internship at Kings County Hospital Center in Brooklyn, NY, and was later named chief resident surgeon at the Bronx Municipal Hospital Center of the Albert Einstein College of Medicine in New York. Dargan interrupted his specialty training to serve in the United States Air Force as a captain and commander of the 3910th USAF Hospital in Mildenhall/Lakenheath, England, during the Korean War. Later, he would continue his commitment to providing quality medical care to military veterans through his service to the Dorn Veterans Administration Medical Center in Columbia, SC.

Dr. Dargan completed his training in thoracic and cardiovascular surgery at Boston City Hospital, achieving the post of chief resident surgeon, and became a thoracic surgical instructor at Boston University Medical Center in Massachusetts. He returned to New York and continued his commitment to academic medicine as a researcher and instructor through various appointments, including associate professor of Surgery at the Albert Einstein College of Medicine, chief of surgery at Lincoln Hospital, and director of surgery at Sydenham Hospital. In keeping with his commitment to academic surgery as teacher, practitioner and researcher, he taught medical students and surgical residents for more than 12 years. Dargan expected perfection and taught

his students what he learned from his mentor, Dr. Finley. At Lincoln Hospital, he met his future wife, a registered nurse and flight attendant at TWA, Carol Poyner.

Dargan has published many surgical papers in leading national medical journals and has participated in preparing practicing surgeons for board certification. He has given presentations at national and international medical meetings. Dargan returned to South Carolina in 1978 and began a private practice in thoracic, vascular and general surgery in Columbia, sharing an office with the late Dr. Cyril O. Spann, who had urged him to come home. Two years later, Dargan and Dr. Gerald A. Wilson formed Midlands Surgical Associates, P.A., out of a shared sense of commitment to competent, compassionate, and appropriate patient care in South Carolina. The practice has grown to include Dr. Dennis A. Wilson. In 1979, Dr. Dargan joined the faculty of the University of South Carolina as a clinical associate professor of surgery, hoping to inspire a new generation of physicians to provide compassionate medical services to South Carolinians.

Dr. Dargan is a founding member of Physician's Health Plan of South Carolina, now Carolina Care Plan, a fellow of the American College of Surgeons, and a former chief of staff at Palmetto Health Richland. A life member of the National Association for the Advancement of Colored People, he is also a member of the Kappa Pi and Alpha Omega Alpha medical honor societies. The Dargans have two children, Jennifer Dargan and Catherine Dargan Phelps; a son-in-law, Peter Phelps; and two much-loved grandchildren, Addison Morgan Phelps.

Dr. Dargan is being honored in his hometown next Thursday night and I ask you, my colleagues, to join me in congratulating him and commending the University of South Carolina for helping all Columbians recognize Dr. Dargan's contributions by establishing a scholarship at its medical school in his name.

TRIBUTE TO DELORES M. HANDY

HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. BOUSTANY. Mr. Speaker, I rise today to acknowledge the hard work and dedication of one of the constituents in my district. Delores M. Handy has been a valuable employee of the Acadia Parish Tax Assessor's Office for over 3 decades. On June 30th, 2005, she will retire after 33 years of service to her community.

This woman, affectionately known as Dee, has become a friendly face in local government. The most common phrase used to describe her is "tremendous asset." Working at the counter in the Assessor's Office, she will always be remembered as a woman who greeted every customer with a smile and an offer to help them solve whatever problems they were facing. Through the years, she has developed friendships with people from every walk of life and no one left her office without feeling like she had done everything possible to serve their needs.

I join the residents of Acadia Parish, along with the people of the 7th District, in thanking Delores Handy for her contribution to making Southwest Louisiana a great place to live. She is a fine example of what is right in our government and will be missed.

HONORING THE 50TH ANNIVERSARY OF CONGRESSMAN JOHN P. MURTHA AND HIS WIFE, JOYCE

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. DOYLE. Mr. Speaker, I rise today to honor our dear friend and colleague, JOHN P. MURTHA as he and his wife Joyce celebrate the 50th anniversary of their marriage. I would like to submit the following statement of Father William George to honor this occasion:

DINNER BLESSING BY FATHER WILLIAM GEORGE, S.J. AT THE 50TH ANNIVERSARY DINNER FOR CONGRESSMAN AND MRS. JOHN P. MURTHA

Blessed are you, God of all Creation. We are created in your image and likeness and share the gifts you have bestowed on us, especially your gift of divine Love. Source of all Love and Kindness, we thank you for the love we share this evening of Jack and Joyce Murtha's mature and wonderful love as we celebrate their 50th Wedding Anniversary.

St. Paul speaks of how without love, we gain nothing; that Love is patient, love is kind. It is not jealous, is not pompous, is not inflated; it is not rude; it does not seek its own interests, it is not quick-tempered, it does not brood over injury, it rejoices with the truth. It bears all things, believes all things, hopes all things, and endures all things. Love never fails. (1 Cor.)

The faith that Joyce and Jack have in each other is witnessed to by their 50 years of marriage, but also how hard they work to support each other and their generosity to others. Their hopefulness is revealed in their patience and continued generosity even when criticized and challenged. Their love is a witness to the divine spirit within all of us and we thank you for them.

Their gift of self to each other reveals the richness of the union of husband and wife in the sacrament of marriage. We ask you to continue to bless their love with your grace.

Jack and Joyce have united in a strong and productive way in service to their country. As one nation under God, we appreciate their dedication and love of country. If every member of Congress had such a supportive spouse, the laws of our land would be more in accord with your will, bringing peace through justice. Please, dear Lord, continue to bless them with vigor, insight and courage.

We ask your care for our young men and women in uniform all throughout the world who are in harm's way. Inspire them and make them shining witnesses to justice wherever they serve.

Please bless our celebration of Jack and Joyce's 50th. Bless this food we are about to receive from your bounty, as we have faith in you, our God, who lives forever and ever, Amen.

VALEDICTORY ADDRESS BY LINDA HOWARD GARRETT

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. HOYER. Mr. Speaker, today I rise to submit for the RECORD the compelling statement of Linda Howard Garrett who gave the valedictory address at the Ann Arundel Community College Commencement Ceremony on May 26, 2005.

Linda is a wonderful and inspiring example of someone who has the will and perseverance to make a brighter future for themselves and their family. Her determination and persistence to go back to school later in life shows that it is never too late to pursue the "American Dream" and succeed!

I was proud to join Linda at Anne Arundel Community College's Commencement and am pleased to submit her address for the RECORD.

VALEDICTORY ADDRESS BY LINDA HOWARD GARRETT

"Good evening, President Smith, Congressman Hoyer, Trustees, honored guests, faculty, staff, friends and families, classmates.

If anyone had told me 2 years ago that I would be standing here tonight, I would have stared in disbelief. It was with great trepidation that I returned to school after 37 years, and I wasn't sure I would succeed, much less excel. And yet here I am—here we all are because of our hard work and dedication to a goal.

Many people have asked me what motivated me to work so hard and to remain so dedicated, and as I began to think about that question, I realized there were several answers.

It helped to know that I was enrolled in one of the premier paralegal studies programs in the country, and attending Ann Arundel—a shining star in the Nation's network of community colleges.

Of course there was my family who inspired me by their unflagging support—especially my 14-year-old daughter who temporarily relinquished her self-proclaimed position as center of the universe and willingly assumed more responsibility at home because I had a test scheduled or a paper due.

And the professors who gave so generously of their time and talents: Professors Kelly Koermer, Robyn Brown, Karen Cook, Mona Clark, Stanley Robbins, Susan Kilgard, Richard Faircloth, Sarah Glenn, Cathy Hayes, Sherry Hopkins, Wade Taylor. I could go on and on as I'm sure each of you could as you remember those dedicated teachers who were a profound influence on you.

Sometimes it was a staff member—like Miss Ina in the Florestano student lounge my first year. Even though she wasn't officially scheduled to open until 8:30, she was there every morning at least an hour early, dispensing hot coffee and encouragement.

Often, it was a classmate: the student older than I—in his seventies—still seeking knowledge and growth and intellectual stimulation. Or the 18-year-old who took the earliest classes available so she could hurry home to care for her ailing mother. And all of the amazing single parents juggling families and full-time jobs and still managing to attend every class, turning in every assignment on time.

But perhaps the most compelling influence was a sense of history and an appreciation for what many Americans take for granted. I gained that appreciation while serving for 26 years with the U.S. Army. During that time I had the opportunity to travel all over the world—from the Far East to East Berlin. And the more I saw of the world, the more I came to value the freedoms and opportunities that are uniquely American. And at no time did I feel that appreciation more than during a visit to Ellis Island.

Over a hundred years, ago, immigrants poured into this country seeking a better life. And they weren't satisfied to just be in America. They wanted to be Americans, and that meant that they had to learn a new language and a new history so they could pass a citizenship test. They sought out classes wherever they could find them—in church basements and elementary school classrooms and community halls.

So when it seemed he too much effort for me to write another brief, or struggle to learn the arcane vocabulary of the law or drag myself to one more early class, I would remember those immigrants who, after working backbreaking 12-, 14-, 16-hour days, went willingly, joyfully to class because they understood that every step toward that classroom brought them one step closer to realizing the American Dream. And when I remembered them, I could not dishonor their memory by turning in shoddy work or failing to fully embrace the opportunity their legacy provided because from those humble beginnings an entire system of adult education evolved. Single scattered classes became

night school and then City College and junior college and finally the community college, as we know it today.

And although at one time the classes at one of these local colleges was considered less prestigious than at the four year colleges, that is no longer true today. In response to a growing need, as community colleges' facilities and curricula expanded, so did their reputations. Today, while community colleges continue to serve those who, because of families and jobs, need to stay close to home, they also serve those who recognize that many community colleges provide specialized programs that rival those available at four-year universities.

I hope that everyone of you as you go forward will also look back and remember that you are carrying the torch for all those educators and students whose commitment and vision made today's community college a reality. And I hope you will tell all of your friends and families and neighbors that the first step toward realizing the American dream begins with an education, and that a first-class, top-notch education is accessible in their backyards, right here at Ann Arundel Community College. I hope that you will never take for granted the history of freedom and opportunity that mad it possible for you to take that step. And I hope, as you go forward, that you will never miss the opportunity to say, with great pride, as I say tonight, I am a graduate of Ann Arundel Community College.''

TRIBUTE TO MONUMENTAL BAPTIST CHURCH—105TH ANNIVERSARY

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. PAYNE. Mr. Speaker, I ask colleagues here in the House of Representatives to join me as I rise to acknowledge the Monumental Baptist Church of Jersey City, New Jersey as it celebrates its 105th anniversary. Established in 1900, Monumental was incorporated in 1904 and has been serving the needs of its congregation and the community continuously.

Throughout the illustrious history of Monumental Baptist Church, effective leadership has been at the core of all the accomplishments the church has had. Beginning with Pastor William Edwards and continuing with Pastors Garlick, Smith, Fitzgerald, Webb, Ashley and the current pastor, Reverend Joseph L. Jones, Sr., Monumental has made many enhancements over the years. In addition to its leadership, the success of all of Monumental's initiatives can be attributed to the faith, hope, commitment and prayers of the loving membership that fill the pews of this landmark facility. In fact, Monumental Baptist Church is blessed to have 55 members who have fifty or more years of continuous membership. Clearly, that statistic is representative of the marvelous activities taking place at the church.

Recently, Monumental Baptist Church was officially approved as a 501(c)(3) religious organization. The church's finances have improved over the years enabling the on-going renovations and upgrades to church owned properties.

Mr. Speaker, I know my colleagues agree that Monumental Baptist Church and the surrounding community have every right to be pleased with the lasting contributions that the church has made to the residents of Jersey City. I am pleased to congratulate Monumental Baptist Church on its 105th anniversary.

PAYING TRIBUTE TO REV. DR. NELSON ''FUZZY'' THOMPSON

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. CLEAVER. Mr. Speaker, I rise today to pay tribute to Reverend Doctor Nelson ''Fuzzy'' Thompson, a minister, humanitarian and a political activist whose legacy continues to enrich the lives of all Kansas Citians. After 14 years of service, on June 5, 2005, Rev. Thompson retired from his pastoral helm at Mason Memorial United Methodist Church, which is the cause of recognition and celebration of the dedication that he exudes in all aspects of service to the Kansas City community.

Rev. Thompson's reputation as a community leader extends beyond the local or national level, but is inclusive of the international community. He was one of 22 U.S. ministers that traveled to South Africa on a fact finding educational exchange, at the request of Bishop Desmond Tutu, Nelson Mandela, and the South African Council of Churches. ''Fuzzy,'' as he is affectionately known, was one of three U.S. ministers to conduct Easter services for U.S. hostages held in Tehran, Iran in 1980. He was also one of 17 U.S. ministers and activists who served as official observers for the first election ever held in South Africa that allowed the right to vote to all races. He said it was a humbling experience seeing people lining up the night before and standing in line for blocks in order to exercise their right to vote for the first time.

Since 1984, Rev. Thompson has been a delegate to the Democratic National Convention. He served as Regional Coordinator of Rev. Jesse Jackson's 1984 Presidential campaign and as the Missouri State Coordinator of the Jackson Campaign in 1988. ''Fuzzy'' is currently President of the Kansas City Chapter of the Southern Christian Leadership Conference.

He has served on the boards of Freedom Incorporated as Chairman of the Nominating Committee, Black Adoption Program and Services, Human Rights Commission of Kansas City, Missouri, and Northwest Political Faction. He has been involved in helping to solve the problems of young adults, especially in the areas of education and unemployment. He held the position of Executive Director of the Martin Luther King Urban Center for 30 years.

Rev. Thompson graduated from Lincoln University in Jefferson City, Missouri with a Bachelor of Science in Education, and received a Master of Divinity and Doctor of Ministry at St. Paul School of Theology. He has been married 39 years to Cheryl (Love) Thompson. His mother, Marvia Thompson, was a founding member of the St. James United Methodist which I pastor. In 2003, we joined Rev. Thompson to celebrate and mourn her death and life. He baptized my youngest son, Evan, and he has been a friend and a confidant to me for more than 30 years.

Mr. Speaker, please join me in expressing our heartfelt gratitude to the Rev. Nelson ''Fuzzy'' Thompson for his relentless efforts in extending service not only within the areas surrounding Kansas City, Missouri and the United States, but for his contributions to the global community. I urge my colleagues to please join me in congratulating ''Fuzzy'' on his retirement as Pastor of Mason Memorial United Methodist Church, for we know that he has not retired from the ministry nor from the community, because God's work is never done.

RECOGNIZING JOHN NEARY UPON HIS RETIREMENT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. GEORGE MILLER of California. Mr. Speaker, I would like to take this opportunity to recognize the tremendous career of Mr. John Neary, an educator and friend who will be formally honored on June 10, 2005, at his retirement celebration in Concord, California.

Mr. Neary has over thirty-three years experience as an educator for California's youth, including twenty-six years with the Mt. Diablo Unified School District. His remarkable commitment to the educational system began in 1972 as a classroom teacher and athletic coach. Since then he has served as teacher, coach, athletic director, vice principal and principal. In all of these roles he delivered high-quality education and maintained a strong commitment to his students. Mr. Neary works with incredible heart and has consistently placed ''the student first'' in all his endeavors. He routinely showcased his commitment by attending every school event from drama to water polo.

For the past seven years Mr. Neary has served as principal of Clayton Valley High School. The students and faculty have been fortunate to have him at the helm and will surely miss his presence. Mr. Neary has invested all that he has to give and is well loved and appreciated as a result of his dedication.

I congratulate Mr. Neary for his hard work and dedication to the students, faculty and community. I am pleased to join with Mt. Diablo Unified School District and Clayton Valley High School in recognizing his outstanding commitment toward education and send my best wishes for a happy and healthy retirement.

NATIONAL HUNGER AWARENESS DAY

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. MORAN of Virginia. Mr. Speaker, I rise today to commemorate National Hunger Awareness Day and to honor the Arlington Food Assistance Center, which is located in my congressional district.

National Hunger Awareness Day was established to help inform individuals, communities, corporations and policy makers that hunger is a severe domestic issue and deserves our critical attention.

The Arlington Food Assistance Center's sole mission is to feed the hungry. This important action allows their clients to make other necessary purchases, such as paying for rent and utilities, without having to sacrifice their health and nutritional needs.

Despite the fact that Arlington County is one of the wealthiest areas in the country, plenty of local residents do not have enough to eat. The Arlington Food Assistance Center, AFAC, seeks to remedy this problem by distributing bread, vegetables, meat, milk, eggs and other food items to those in Arlington who are in need. The Arlington Food Assistance Center currently distributes approximately 1100 bags of groceries each week to over 900 clients, nearly half of whom are children. Each week,

families with one to three members receive one bag of food and families of four members or more receive two bags of food—amounts that are expected to supplement a week's meals.

AFAC obtains surplus food at a minimal cost from the Capital Area Community Food Bank and at no cost from local bakeries, supermarkets, farmer's markets, food drives and private donors.

I would like to commend the staff and volunteers of the Arlington Food Assistance Center who work hard to provide needy families in Arlington with groceries each week.

INTRODUCTION OF RESOLUTION COMMENDING W. MARK FELT

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. CONYERS. Mr. Speaker, today I rise to introduce a Resolution commending W. Mark Felt for his extraordinary service to the country in exposing the "Watergate" scandal. Good faith whistle blowers like Mr. Felt represent high ideals of public service and the American tradition of challenging abuses of power. They also provide the diversity of views and information necessary for the checks and balances in a democracy.

As the world now knows, Mr. Felt, the then Deputy Director of the FBI, disclosed that he was the confidential source known as "Deep Throat," that assisted Bob Woodward and Carl Bernstein in their investigation of the Watergate scandal, which eventually led the House to the verge of impeachment and the ultimate resignation of President Nixon.

Quite frequently, it is courageous whistle blowers such as Mr. Felt who are responsible for disclosing corruption in our government. We have no doubt that absent Mr. Felt's involvement, we would never have learned about the illegalities and obstruction of justice at the highest levels of our government, up to and including President Nixon.

This Resolution recognizes that Mr. Felt was not only a courageous public servant, willing to risk his career to expose wrongdoing, but a model agent and administrator as well. I therefore believe it is altogether fitting and proper that Mr. Felt's service be commemorated and honored by the Congress.

TRIBUTE TO GEORGETOWN COUNTY

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. CLYBURN. Mr. Speaker, I rise today to recognize and commend Georgetown County, South Carolina, and its efforts to make healthcare services accessible to its rural population.

Several years ago, Georgetown County conceived the idea of turning a former schoolhouse—purchased for just one dollar—into an affordable and accessible healthcare facility for residents who previously had to travel more than a half-hour to reach needed wellness resources. This center is critical, since more than 15 percent of citizens in the area do not have transportation, 56 percent live below 200 percent of the poverty level, and the community is not served by public transit.

I am extremely pleaded to announce the completion of the Choppee Regional Resource Center, a medical "One Stop Shop," providing the first step towards an integrated, holistic healthcare delivery system for some of South Carolina's most underserved residents. Residents now have access to medical care, drug and alcohol counseling, mental health services, children's and seniors' services, and adult education opportunities.

This center is important to me because it brings together key players from across the state to make a difference in the individual lives of those who too often are not reached by broader ,efforts. It is theseup.derserved people who each of us is sent here to help in any and every way we can.

Georgetown County continues to develop the Choppee facilities and is now implementing a second phase of the project: the creation of a Family Wellness Center. Together, these resources will provide comprehensive healthcare, vocational, and support services to benefit the county's rural residents.

Mr. Speaker, please join me as I commend the Georgetown County Council, the Administrator, School District, an4 all those individuals and groups who have been so personally involved in making this center a reality. Without your help, the citizens of Choppee would still be forced to travel great distances, at great expense and effort for the day-to-day services they need to live healthy, productive lives.

TRIBUTE TO RABBI ROBERT S. GOLDSTEIN

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. MEEHAN. Mr. Speaker, I rise today to honor Rabbi Robert S. Goldstein. Rabbi Goldstein is a community leader, spiritual advisor, and dear friend. For 15 years, Rabbi Goldstein has led the congregation at Temple Emanuel in Andover, Massachusetts.

Rabbi Robert Goldstein was born in Springfield, Massachusetts in 1953. He was raised in a large ad compassionate family. His mother taught in an inner-city elementary school, and volunteers her free time at Jewish charities and other groups serving the community. His late father was deeply involved in the Jewish Nursing Home of Western Massachusetts.

Since coming to Temple Emanuel in 1990, Rabbi Goldstein has grown his congregation, and endeavored to make Judaism more accessible to all who come to it with an open ear and an open mind. He has led his flock to explore the meaning of the Jewish faith to find purpose and spiritual enrichment. Under Rabbi Goldstein's leadership, Temple Emanuel has expanded its membership to over 600 families with more than 400 children in its religious school.

In addition to his work at Temple Emanuel, Rabbi Goldstein serves on the Board of the Lawrence General Hospital, and he is a trustee of the Edgewood Retirement Community. Rabbi Goldstein continues to foster dialogue between Catholics and Jews at the Center for the Study of Jewish/Christian Relations at Merrimack College.

On June 17, 2005 Rabbi Goldstein's congregation, friends, neighbors and loved ones will recognize him for the wisdom and compassion he has shown to all, and for dedicating his life to sharing the virtues of the Jewish faith and heritage.

The people of the Merrimack Valley, of all faiths, are truly blessed to have Rabbi Goldstein as a friend, neighbor, counselor and spiritual leader.

CELEBRATING THE GRAND OPENING OF MID-MISSOURI ENERGY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. SKELTON. Mr. Speaker, let me take this opportunity to announce the grand opening of Mid-Missouri Energy, Inc. Many Missourians have worked hard to create this farmer-owned ethanol production facility in Malta Bend, Missouri. Ground was broken on the facility on October 4, 2003, and the facility was opened for business on June 3, 2005.

From the time I was young, I was taught that a farmer's livelihood depends on two things: the weather and the markets. With the opening of Mid-Missouri Energy, farmers will have an additional market for their corn and will be able to get more bang for their agricultural buck. Missouri farmers, especially those who make the Fourth District home, will now have a facility that allows them to capitalize on the growing renewable fuel opportunities across the nation. Ethanol production is not only beneficial to the farmers of America, but to the American public at large. Ethanol is a renewable energy resource that, when utilized most effectively, will reduce America's dependency on imported oil and decrease pollution.

The ethanol production facility in Malto Bend will also benefit the rural economy. Farmers will not only have an additional market for their corn, but Mid-Missouri Energy will employ rural citizens and will have a far reaching, positive impact on the local economy. Mid-Missouri Energy's founding fathers, especially Ryland Utlaut and Don Arth, deserve credit for making Mid-Missouri Energy a reality.

As Mid-Missouri Energy opens and begins to produce ethanol, I know that Members of Congress will join me in honoring their outstanding work.

TRIBUTE TO GEORGIA JONES AYERS: COMMUNITY LEADER, CIVIL RIGHTS CHAMPION AND ROLE MODEL

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. MEEKof Florida. Mr. Speaker I rise in tribute to Georgia Jones Ayers, a community servant and civil rights pioneer who for decades has spent her days righting the wrongs

she sees in society. I have known her for many years, and, I can speak from first-hand experience about the positive impact she has had on our community and on the lives of countless young people. She says what she thinks, she stands up for what she believes in, and she works hard to achieve her goals. She is a person of intelligence, determination and accomplishment.

Some of Ms. Ayers' experiences and deeds were recently chronicled by South Florida's preeminent political reporter, Michael Putney, in an article that ran in the Miami Herald on June 1, 2005. I want to share this article with my colleagues, so they can get a sense of this remarkable woman's character.

[From the Miami Herald, June 1, 2005]

COMMUNITY ACTIIVIST, INJUSTICE IS A GREAT MOTIVATOR

(By Michael Putney)

Community activist Georgia Jones Ayers carries more than memories of racism in Miami; she carries the proof. She keeps it in her purse as a constant reminder. It's a yellowed, well-worn abstract of title to her grandmother's home in ''Railroad Chops (sic), Colored Addition.'' That's the home where Ayers, now 76, was born and raised. And which her grandmother, Eliza Pierce, lost to the city of Miami, in a racist land grab and for $3.29 in unpaid taxes. The tax sale is dated Aug. 29, 1924.

''It's because of this,'' she says, brandishing the legal document like a dark talisman, ''that I am who I am and do what I do.''

For more than half a century, Ayers has worked to right what she considers wrongs done to her community, and by her community. Currently, she runs Alternatives to Incarceration out of the Metro Justice Building where first-time offenders are released to her custody to complete programs that allow them to avoid having a permanent criminal record.

Then there's her Janet Reno New Chance Alternative School, which takes disruptive sixth-to-eighth graders and instills discipline and learning in them. ''I don't believe in brutality,'' Ayers says, ''but when I was in school I'd get a spanking for arriving late. These days you tell 'em you're going to tan their backside, and they say they'll call HRS (the predecessor to DCF). But that's what some of 'em need.''

Make no mistake, Ayers is tough. And smart. And still angry after all these years about the injustice done to here grandmother.

She says that her grandfather, Charles Pierce, went in 1923 to pay the overdue property taxes with $100 he had saved from his job with Henry Flagler's railroad. But he was never seen again—probably murdered for the money.

''My grandmother would have paid those taxes if she'd been able to read,'' Ayers told me. ''But she was illiterate and couldn't read the notices. So she lost her home for a few dollars.'' It was on land in Allapattah between 46th and 50th streets and 12th and 14th avenues that had been set aside for black railroad workers. But Ayers says whites eventually wanted the land and found ways to seize it. First, through foreclosure because of unpaid taxes.

''And then on Aug 1, 1947 at 11 a.m. the police came in and evicted 35 families, including mine, because they wanted the land for an all-white school.''

That was Allapattah Elementary. Ayers attended Liberty City Primary, the predecessor to what is now Charles R. Drew Elementary. On the 25th anniversary of the McDuffie riots we stood across from the school in an empty lot at Northwest 62nd Street and 17th Avenue. One of the many empty lots along Martin Luther King Boulevard since the 1980 riots.

''I knew Arthur McDuffie,'' she says. ''He sold insurance like I did for many years. He was a sweet, gentle man.''

On the Saturday in May 1980 when four Metro policemen were acquitted of beating McDuffie to death, Ayers went to the Metro Justice Building with other black leaders to organize a peaceful protest. ''We wanted an orderly meeting where people could vent their anger,'' she recalls.

The anger could not be contained. Injustice is a great motivator. It's what keeps Ayers going with vigor.

She's upset that Haitian immigrants fail to recognize or respect what American blacks went through here before they arrived. She's upset that black kids who struggle to learn standard English are expected to learn Spanish. ''I'm not prejudiced against Haitians or Cubans. I just want people to respect our heritage.'' She says this caressing that abstract of title, which is smooth from touching but still carries a sharp sting.

I generally reject the idea of reparations for slavery. Many generations stand between us and the direct victims, although the shame of slavery endures. But Ayers is still very much alive, and she carries proof of the racism that robbed her family. Twice, in fact. How do we repay her? I'm not sure, but we can begin by simply saying thank you for channeling so much anger into so many good works.

THE CURRENT SITUATION IN HAITI

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. RANGEL. Mr. Speaker, I rise to make note of the distressing developments unfolding in Haiti. The situation in that country is becoming increasingly unstable, with elections scheduled to take place a few months from now. The current state of Haiti does not bode well for a peaceful and legitimized election process.

A June 9th article in the Miami Herald entitled ''Senior U.S. official visits unsettled Haiti'' points out that the ongoing instability is causing widespread discontentment with the interim government led by Prime Minister Gerard Latortue. The lack of confidence is even being voiced by respected and influential members of Haitian society, such as Ariel Henry, a member of the U.N. sanctioned ''Council of Wisemen'' which nominated Latortue to head the interim government.

Mr. Henry has gone so far as to call the governmental performance of the country a failure, and has warned that the Council of Elders may call for Latortue's resignation if some semblance of stability is not achieved soon.

It has been over a year since the forced removal of President Jean-Bertrand Aristide, the nation's democratically elected leader. Without question, conditions in the country are worse since Aristide's removal due to the widespread violence and human-rights violations perpetrated by the lawless elements which overthrew the Aristide government.

Indeed, 700 people have died in less than a year in Haiti. The violence is escalating to such a level that the U.S. State Department's top official for the Americas, Roger Noriega, arranged a last-minute visit this week to assess the situation. Secretary of State Rice herself labeled the developments in Haiti ''troubling'' on Monday, and called for close examination of the strength of the country's U.N. force.

On the election front, all is not well. The nation's electoral council is stricken by internal strife and wrangling. A campaign to register up to 4.5 million eligible voters has signed up only 113,000 in a month and a half. The only party with wide support among Haiti's impoverished majority is the Lavalas Party of former President Jean-Bertrand Aristide. Still angered by his removal, the party has so far refused to participate in the upcoming election.

All this presents a very troubling picture for Haiti. In the short-term the U.N. force must be increased. In addition, all the stakeholders involved must take a long and hard look at whether the scheduled date for Haitian elections is practical considering the current reality.

[From the Miami Herald, June 9, 2005]

SENIOR U.S. OFFICIAL VISITS UNSETTLED HAITI

(By Jacqueline Charles and Joe Mozingo)

The U.S. State Department's top man for Latin America and the Caribbean arrived in Haiti on Wednesday to assess a surging wave of violence and increasing demands for the resignation of U.S.-backed Prime Minister Gerard Latortue.

Deputy Assistant Secretary of State Roger Noriega met with the political head of the U.N. peacekeeping mission and other top officials in Haiti at the start of his two-day visit.

Haiti's violence has turned so worrisome that even the so-called Council of Wisemen—a group of respected Haitians that picked Latortue to head the interim government after the hasty departure of former President Jean-Bertrand Aristide last year—has lost confidence in him.

''It's a failure,'' said Ariel Henry, a neurosurgeon and vice chairman of the seven-member council. ''There is no governance.'' He added that the council will soon issue an ultimatum to Latortue: bring the country under control in 30 days or resign.

What leverage the council has is unclear. But Henry's statement carries political weight.

During the weekend, a meeting of about 20 political parties sponsored by the U.N. mission here came largely to the same conclusion about Latortue, although three major parties say they would not go so far as to call for his resignation.

The Bush administration has pinned its hopes for stability on Latortue's ability to pave the way for elections this fall. But many Haitians doubt the country is ready, given a paroxysm of recent violence in the capital.

The 7,400-strong U.N. peacekeeping mission that began arriving in Haiti after Aristide fled during an armed revolt has not been able to tamp down the kidnappings, carjackings and shootouts that have left hundreds dead in recent months and have kept a ruined economy from recovering.

Wahington has stood by Latortue and focused more on the need to strengthen the U.N. peacekeeping force, which has been criticized as too passive. Secretary of State Condoleezza Rice this week said the U.N. mission needed to increase its forces or conduct more aggressive operations. She appeared to reject a growing push among the Haitian political class for the return of the U.S. Marines deployed here in the three months after Aristide's departure. She said it was crucial that the Brazilian-led force in Haiti succeed.

''It was a real breakthrough for this hemisphere to have Brazil in the lead and then to have other Western Hemisphere states actually engaged in peacekeeping,'' Rice said at a news conference Tuesday. ''We are devoted to making that mechanism work, and so we are talking with the U.N. about what more needs to be done.''

Chantal Regnault contributed from Port-au-Prince.

STEM CELL RESEARCH ENHANCEMENT ACT OF 2005

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. McKEON. Mr. Speaker, over the past couple of weeks, I have heard from all sides of this very impassioned debate regarding the issue of stem cell research. There are many arguments on both sides which resonate with compassionate people, and I have taken a great deal of time and reflection to reach my current position in favor of stem cell research as provided under H.R. 810.

As a Member of Congress, I have been a very consistent supporter of the value of human life in all of its stages. I have had personal experiences with diseases that hold the greatest hope of being treated with the help of research on stem cells including diabetes and Parkinson's disease, and I believe that our respect for human life should compel us to strive to treat diseases which are currently untreatable.

Mr. Speaker, I believe that it is important to closely consider what is in this bill and what is not in this bill. This bill would allow researchers to apply for federal grant money to perform research on tissue which would otherwise be discarded as medical waste. I have heard some of my colleagues say that they are against the creation of embryos for the purpose of scientific research, and I agree. This bill would not allow research on any lines of stem cells unless they had been created for reproductive purposes and if the people involved grant their consent. I do not believe that this bill would encourage the creation of more embryos because the bill would not allow funding to be used if the donating parties had received any compensation for the donation of tissue for research.

It is important that we recognize that stem cell research is a reality in our time, and what is uncertain are the parameters through which it will be pursued. I would prefer that this type of research is done at home rather than abroad where it can be pursued with the oversight of the United States Congress and where we can be certain of the moral restraint of American values.

When the President issued his guidelines for acceptable research on stem cells in August 2001, he acknowledged that federal funding could be appropriate, provided that it was done so in a moral way. In his judgment, a moral way included research with the informed consent of the donors involving excess embryos created solely for reproductive purposes; and that it was done without any financial inducements to the donors.

I believe that H.R. 810 respects human life in the way that we should by allowing scientists to use human tissue which would otherwise be discarded as medical waste, and I urge my colleagues to support its passage.

RECOGNIZING NATIONAL HOMEOWNERSHIP MONTH AND THE IMPORTANCE OF HOMEOWNERSHIP IN THE UNITED STATES

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. GARY G. MILLER of California. Mr. Speaker, I rise today to celebrate homeownership in America. Recently, the President designated June as National Homeownership Month as he has done for the past three years. To complement this designation, I have introduced a resolution to recognize National Homeownership Month and the importance of homeownership in the United States. This resolution expresses the sense of Congress that the House of Representatives:

(1) fully supports the goals and ideals of National Homeownership Month; and

(2) recognizes the importance of homeownership in building strong communities and families.

IMPORTANCE OF HOMEOWNERSHIP IN AMERICA

For generations, the goal of owning a home has been the bedrock of our economy and a fundamental part of the American Dream. Over the last three years, as we have faced the challenges of war and economic uncertainty, the housing and refinance markets have helped to keep our economy moving. Nationally, housing generates more than 22 percent of the Gross Domestic Product and accounts for nearly 40 cents of every dollar spent. America's housing markets are the envy of the world. We enjoy the lowest interest rates and the highest homeownership rates of any developed nation. In fact, the national homeownership rate in the United States has reached a record high of 69.1 percent and more than half of all minority families are homeowners. Over 73.4 million Americans are now homeowners, with many more achieving this goal on a daily basis.

Homeownership is the single largest creator of wealth for Americans. It is the largest investment most families will ever make and a key to promoting long-term economic stability for all Americans. For these reasons alone, we must continue to promote strong housing and refinance markets in America.

HOMEOWNERSHIP BUILDS STRONGER COMMUNITIES

Aside from helping millions of Americans achieve their dreams, homeownership also helps to build neighborhoods and strengthen communities.

Families who own homes have a vital stake in their communities, a stronger interest in the safekeeping of their neighborhoods, and a deeper commitment to the quality of their schools and libraries. Each home is a critical piece in a successful neighborhood, allowing families to enjoy community events together and share in the lives of their neighbors and friends. Owning a home also provides children with a place to learn, play, and grow, and gives homeowners a tangible stake in their cities and towns. As millions of American families have demonstrated, increased homeownership helps to build better communities, and better communities help to build a Better America.

CONGRESS'S ROLE IN PROMOTING HOMEOWNERSHIP

As responsible legislators, we need to ensure that government helps, rather than impedes, homeownership in America. When I came to Congress, I made it my top priority to highlight federal policies that have hindered the availability of housing in this country and to find ways for government to positively impact homeownership in America. While we have done much to help Americans become homeowners, we must do more. I firmly believe that Congress must cultivate an environment where more Americans can turn the dream of homeownership into reality.

I URGE MY COLLEAGUES TO SUPPORT HOMEOWNERSHIP MONTH

I am very pleased to see the President has made it a priority to promote affordable housing and homeownership. The Administration has taken a leading role in finding new and innovative ways to expand homeownership, particularly among minorities. I want to commend the hard work of Secretary Jackson and his team at HUD for their work in developing programs to increase affordable housing and encourage homeownership. I urge my colleagues to recognize the importance of homeownership in the United States and reinforce our commitment to providing homeownership opportunities for more Americans by cosponsoring this important resolution.

TRIBUTE TO LUIS RODRIGUEZ MAYORAL

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 2005

Mr. SERRANO. Mr. Speaker, it gives me great pleasure to rise today to pay tribute to baseball legend Luis Rodriguez Mayoral. For his outstanding service to the game of baseball, the National Puerto Rican Day Parade will honor Mr. Mayoral by having him serve as the Puerto Rican Grand Marshall for the world-famous parade June 12, 2005 in New York City.

Mayoral has been involved in baseball for over thirty years as a scout, manager, journalist and author. Throughout his many years of service to the game, he has had a positive and important impact on the sport and many of its players.

Mayoral's resume is long and impressive. He served as a scout for the Pittsburgh Pirates and the Chicago White Sox from 1972 to 1980 and as General Manager for the Arecibo and San Juan Baseball clubs in Puerto Rico from 1983-1985. He has also served as director of Spanish broadcasting for the Texas Rangers and as Latin American Liaison for the Detroit Tigers. In addition to this experience, Mayoral has been an important baseball broadcaster and journalist. He has broadcast over 2,000 baseball games for CBS, including All-Star and World Series games, and served as chief baseball correspondent for Puerto Rico's El Vocero newspaper for 18 years. He also found the time to write five books about baseball including a well received biography of the late, great Roberto Clemente.

As a result of his hard work and dedication, Mayoral has received numerous honors and awards. He has been honored by the Puerto Rican, Mexican and Laredo-Texas Halls of Fame. He was also a guest of President George W. Bush in the White House in 2001 and was named Puerto Rico's Sports Commentator of the Year.

Mr. Speaker, as many of my colleagues already know, I have a deep love and respect for the game of baseball. It is my belief that it is not just a game but an institution that has helped to bridge the gap between generations of Americans. As a lover of the game, I have a deep respect for all those who have had a hand in building and sustaining this uniquely American institution. While the players get all the attention, people like Luis Mayoral play a key role in making the game what it is by finding the players, bringing the joys of the game to the people, and expanding its accessibility. Mayoral's efforts have not only helped to bring new talent to the game but also new insight.

For his many years of service to the game of baseball, I ask my colleagues to join me in paying tribute to Mr. Luis Rodriguez Mayoral.

Daily Digest

HIGHLIGHTS

Senate confirmed the nominations of William H. Pryor, Jr., of Alabama, to be United States Circuit Judge for the Eleventh Circuit, Richard A. Griffin, of Michigan, to be United States Circuit Judge for the Sixth Circuit, and David W. McKeague, of Michigan, to be United States Circuit Judge for the Sixth Circuit.

Senate

Chamber Action

Routine Proceedings, pages S6243–S6345

Measures Introduced: Twenty bills and four resolutions were introduced, as follows: S. 10, S. 1206–1224, S. Res. 165–167, and S. Con. Res. 41. **Pages S6298–99**

Measures Reported:

Special Report entitled ''Allocation to Subcommittees of Budget Totals''. (S. Rept. No. 109–77)

H.R. 483, to designate a United States courthouse in Brownsville, Texas, as the ''Reynaldo G. Garza and Filemon B. Vela United States Courthouse''.

S. 10, to enhance the energy security of the United States.

S. 1140, to designate the State Route 1 Bridge in the State of Delaware as the ''Senator William V. Roth, Jr. Bridge''. **Page S6298**

Measures Passed:

Printing Authority: Senate agreed to S. Res. 166, to authorize the printing of a collection of the rules of the Committees of the Senate. **Pages S6341**

Recognizing Sun Safety: Senate agreed to S. Res. 167, recognizing the importance of sun safety. **Page S6341**

Recognizing Armed Forces' Families: Senate agreed to H. Con. Res. 159, recognizing the sacrifices being made by the families of members of the Armed Forces and supporting the designation of a week as National Military Families Week. **Page S6342**

Nomination—Agreement: Pursuant to the order of May 24, 2005, at 2:30 p.m., on Monday, June 13, 2005, Senate will proceed to the consideration of the nomination of Thomas B. Griffith, of Utah, to be United States Circuit Judge for the District of Columbia, with a vote on confirmation of the nomination to occur at 10 a.m., on Tuesday, June 14, 2005. **Pages S6292, S6341–42**

Energy Bill—Agreement: A unanimous-consent agreement was reached providing for consideration of H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy, on Tuesday, June 14, 2005, following the vote on the nomination of Thomas B. Griffith (listed above); provided further, that the Chairman be recognized in order to offer the Senate reported bill as a substitute amendment, the amendment be agreed to and considered as original text for the purpose of further amendment. **Page S6292**

Anti-Lynching Resolution—Agreement: A unanimous-consent-time agreement was reached providing that at 6:30 p.m., on Monday, June 13, 2005, the Committee on the Judiciary be discharged from further consideration of S. Res. 39, apologizing to the victims of lynching and the descendants of those victims for the failure of the Senate to enact anti-lynching legislation; that there be 3 hours of debate equally divided, and that upon the use or yielding back of time, Senate proceed to a vote on adoption of the resolution. **Page S6292**

Rules—Agreement: A unanimous-consent agreement was reached providing that the Committee on Rules and Administration be directed to prepare a revised edition of the Standing Rules of the Senate and they be printed as a Senate document. **Page S6341**

Nominations Confirmed: Senate confirmed the following nominations:

By 53 yeas 45 nays (Vote No. EX. 133), William H. Pryor, Jr., of Alabama, to be United States Circuit Judge for the Eleventh Circuit.

Pages S6245–84, S6345

By unanimous vote of 95 yeas (Vote No. EX. 134) Richard A. Griffin, of Michigan, to be United States Circuit Judge for the Sixth Circuit.

Pages S6284–91, S6345

By unanimous vote of 96 yeas (Vote No. EX. 135) David W. McKeague, of Michigan, to be United States Circuit Judge for the Sixth Circuit.

Pages S6284–92, S6345

Nominations Received: Senate received the following nominations:

Henry Crumpton, of Virginia, to be Coordinator for Counterterrorism, with the rank and status of Ambassador at Large.

Ronald Spogli, of California, to be Ambassador to the Italian Republic.

Robert H. Tuttle, of California, to be Ambassador to the United Kingdom of Great Britain and Northern Ireland.

Benjamin A. Powell, of Florida, to be General Counsel of the Office of the Director of National Intelligence.

Routine lists in the Air Force, Army, Marine Corps. **Pages S6344–45**

Messages From the House: **Page S6297**

Measures Referred: **Page S6297**

Measures Placed on Calendar: **Page S6297**

Executive Communications: **Pages S6297–98**

Executive Reports of Committees: **Page S6298**

Additional Cosponsors: **Pages S7200–S6301**

Statements on Introduced Bills/Resolutions: **Pages S6301–40**

Additional Statements: **Pages S6296–97**

Authority for Committees to Meet: **Pages S6340–41**

Privilege of the Floor: **Page S6341**

Record Votes: Three record votes were taken today. (Total—135) **Pages S6284, S6291, S6292**

Adjournment: Senate convened at 9:30 a.m. and adjourned at 6:27 p.m. until 2 p.m., on Monday, June 13, 2005. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S6342.)

Committee Meetings

(Committees not listed did not meet)

NOMINATIONS

Committee on Agriculture, Nutrition, and Forestry: Committee concluded a hearing to examine the nominations of Walter Lukken, of Indiana, to be a Commissioner of the Commodity Futures Trading Commission, and Reuben Jeffery III, of the District of Columbia, to be a Commissioner and Chairman of the Commodity Futures Trading Commission, after the nominees, who were both introduced by Senator Lugar, testified and answered questions in their own behalf.

BUSINESS MEETING

Committee on Appropriations: Committee ordered favorably reported H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, with an amendment in the nature of a substitute.

Also, completed its review of 302(b) subcommittee allocations of budget outlays and new budget authority allocated to the committee in H. Con. Res. 95, establishing the congressional budget for the United States Government for fiscal year 2006, revising appropriate budgetary levels for fiscal year 2005, and setting forth appropriate budgetary levels for fiscal years 2007 through 2010.

BUSINESS MEETING

Committee on Banking, Housing, and Urban Affairs: Committee ordered favorably reported the following business items:

S. 582, to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the desegregation of the Little Rock Central High School in Little Rock, Arkansas, with an amendment in the nature of a substitute; and

The nominations of Ben S. Bernanke, of New Jersey, to be a Member of the Council of Economic Advisers, and Brian D. Montgomery, of Texas, to be Assistant Secretary of Housing and Urban Development, and Federal Housing Commissioner.

GENERAL AVIATION SECURITY

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine general aviation (GA) security, the Transportation Security Administration's proposed plan to reopen Ronald Reagan Washington National Airport to GA operations, and the security procedures followed during the recent air incursion that caused the emergency evacuation of the White House and the U.S. Capitol buildings, after receiving testimony from Michael A.

Cirillo, Vice President, System Operations Services, Air Traffic Organization, Federal Aviation Administration, Department of Transportation; Jonathan Fleming, Chief Operating Officer, Transportation Security Administration, Department of Homeland Security; Ed Bolen, National Business Aviation Association, Washington, D.C.; James K. Coyne, National Air Transportation Association, Alexandria, Virginia; and Andrew V. Cebula, Aircraft Owners and Pilots Association, Frederick, Maryland.

NOMINATIONS

Committee on Foreign Relations: Committee concluded a hearing to examine the nominations of Richard J. Griffin, of Virginia, to be Director of the Office of Foreign Missions, and to have the rank of Ambassador, and to be an Assistant Secretary of State for Diplomatic Security, and Henrietta Holsman Fore, of Nevada, to be Under Secretary of State for Management, who was introduced by Senator Hutchison, after the nominees testified and answered questions in their own behalf.

CROSS-BORDER TRAVEL

Committee on Foreign Relations: Subcommittee on Western Hemisphere, Peace Corps and Narcotics Affairs concluded a hearing to examine the Western Hemisphere Travel Initiative (WHTI), focusing on plans to augment United States border security and facilitate international travel by establishing new documentary standards, and regarding safety and convenience in cross-border travel, after receiving testimony from Frank E. Moss, Deputy Assistant Secretary of State for Consular Affairs; Elaine Dezenski, Acting Assistant Secretary of Homeland Security for Policy and Planning, Border and Transportation Directorate; Paul M. Ruden, American Society of Travel Agents, Inc., Alexandria, Virginia; and Robert A. Pastor, American University Center for North American Studies, Washington, D.C.

PENSION PLAN FRAUD

Committee on Health, Education, Labor, and Pensions: Committee concluded a hearing to examine protecting America's pensions plans from fraud, focusing on the Department of Labor's Employee Benefits Security Administration's enforcement strategy, efforts to address weakness in its enforcement program along with the challenges that remain, after receiving testimony from Alan D. Lebowitz, Deputy Assistant Secretary of Labor for the Employee Benefit Security Administration; Barbara D. Bovbjerg, Director, Education, Workforce, and Income Security Issues, Government Accountability Office; John Endicott, Local Union 290 Plumbers, Steamfitters and Marine Fitters, Tualatin, Oregon; Barclay Grayson, BDC Advisors, LLC, and Stephen F. English, Bullivant Houser Bailey, PC, both of Portland, Oregon; and James S. Ray, Law Offices of James S. Ray, Alexandria, Virginia.

BIOSHIELD

Committee on Health, Education, Labor, and Pensions: Subcommittee on Bioterrorism and Public Health Preparedness concluded a hearing to examine promising medical countermeasures to bioshield, focusing on the Project BioShield Act of 2004, and the Administration's priority to have an appropriate armamentarium of medical countermeasures as a critical aspect of the response and recovery component of the President's strategy "Biodefense for the 21st Century", after receiving testimony from John Vitko, Jr., Director, Biological Countermeasures Portfolio, Science and Technology Directorate, Department of Homeland Security; William F. Raub, Deputy Assistant Secretary for Public Health Emergency Preparedness, and Carol Heilman, Director, Infectious Diseases, National Institute of Allergy and Infectious Diseases, National Institutes of Health, both of the Department of Health and Human Services; Colonel Joseph Palma, Medical Director, Office of the Deputy Assistant to the Secretary of Defense, Chemical and Biological Defense, Department of Defense; Alan P. Timmins, AVI BioPharma, Inc., Portland, Oregon; Richard Frothingham, Duke University Medical Center and Veterans Affairs Medical Center, Durham, North Carolina; David P. Wright, PharmAthene, Inc., Annapolis, Maryland; Scott Magids, University of Maryland Technology Advancement Program, College Park; and Philip K. Russell, Potomac, Maryland.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported S. 1181, to ensure an open and deliberate process in Congress by providing that any future legislation to establish a new exemption to section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act) be stated explicitly within the text of the bill.

VETERANS' HEALTHCARE

Committee on Veterans' Affairs: Committee concluded a hearing to examine S. 1182, to amend title 38, United States Code, to improve health care for veterans, S. 481, to amend title 38, United States Code, to extend the period of eligibility for health care for combat service in the Persian Gulf War or future hostilities from two years to five years after discharge or release, S. 716, to amend title 38, United States Code, to enhance services provided by vet centers, to clarify and improve the provision of bereavement counseling by the Department of Veterans Affairs, S. 1176, to improve the provision of health care and

services to veterans in Hawaii, S. 1177, to improve mental health services at all facilities of the Department of Veterans Affairs, S. 614, to amend title 38, United States Code, to permit Medicare-eligible veterans to receive an out-patient medication benefit, to provide that certain veterans who receive such benefit are not otherwise eligible for medical care and services from the Department of Veterans Affairs, S. 1180, to amend title 38, United States Code, to reauthorize various programs servicing the needs of homeless veterans for fiscal years 2007 through 2011, S. 1189, to require the Secretary of Veterans Affairs to publish a strategic plan for long-term care, S. 1190, to provide sufficient blind rehabilitation outpatient specialists at medical centers of the Department of Veterans Affairs, and S. 1191, to establish a grant program to provide innovative transportation options to veterans in remote rural areas, after receiving testimony from R. James Nicholson, Secretary of Veterans Affairs; Donald Mooney, The American Legion, Dennis M. Cullinan, Veterans of Foreign Wars of the United States, Adrian Atizado, Disabled American Veterans, and Carl Blake, Paralyzed Veterans of America, all of Washington, D.C.; and Richard Jones, AMVETS, Lanham, Maryland.

House of Representatives

Chamber Action

Measures Introduced: 34 public bills, H.R. 2828–2861; and 5 resolutions, H.J. Res. 53; H. Con. Res. 176; and H. Res. 310–312, were introduced. **Pages H4354–56**

Additional Cosponsors: **Page H4356**

Reports Filed: Reports were filed today as follows:

H.R. 184, to amend the Controlled Substances Import and Export Act to provide authority to the Attorney General to authorize any controlled substance that is in schedule I or II or is a narcotic drug in schedule III or IV to be exported from the United States to a country for subsequent export from that country to another country, if certain conditions are met, amended (H. Rept. 109–115, Pt. 1);

H.R. 869, to amend the Controlled Substances Act to lift the patient limitation on prescribing drug addiction treatments by medical practitioners in group practices (H. Rept. 109–116, Pt. 1); and

H.R. 517, to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000 (H. Rept. 109–117, Pt. 1). **Page H4354**

Withdrawing approval of the U.S. from the Agreement establishing the WTO: The House failed to pass H.J. Res. 27, withdrawing the approval of the United States from the Agreement establishing the World Trade Organization, by a yea-and-nay vote of 86 yeas to 338 nays, with one voting "present", Roll No. 239. **Pages H4302–18**

H. Res. 304, the rule providing for consideration of the measure was agreed to yesterday, June 8.

Privileged Resolution: The House agreed to table H. Res. 310, relating to a question of the privileges of the House, by a recorded vote of 219 ayes to 199 noes, Roll No. 240. **Pages H4318–19**

Late Reports: Agreed that the Committee on Appropriations have until midnight on June 10 to file a report on a bill making appropriations for the Department of Defense for FY 2006, and a report on a bill making appropriations for Science and the Departments of State, Justice, and Commerce, and Related Agencies for FY 2006. **Pages H4319–20**

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 12:30 on Monday, June 13 for Morning Hour debate. **Page H4321**

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, June 15. **Page H4321**

Expressing the importance of reopening of the Beartooth All-American Highway: The House agreed to H. Res. 309, expressing the importance of immediately reopening the famous Beartooth All-American Highway from Red Lodge, Montana, to Yellowstone National Park in Wyoming. **Pages H4321–22**

Quorum Calls—Votes: One yea-and-nay vote and one recorded vote developed during the proceedings of today and appear on pages H4318 and H4319. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 6 p.m.

Committee Meetings

DEPARTMENT OF LABOR, HHS, EDUCATION, AND RELATED AGENCIES APPROPRIATIONS FISCAL YEAR 2006

Committee on Appropriations: Subcommittee on the Department of Labor, Health and Human Services, Education, and Related Agencies approved for full Committee action the Department of Labor, Health and Human Services, Education, and Relations Agencies appropriations for Fiscal Year 2006.

PBGC's UNFUNDED PENSION LIABILITIES

Committee on the Budget: Held a hearing on PBGC's Unfunded Pension Liabilities: Will Taxpayers Have To Pay The Bill? Testimony was heard from David M. Walker, Comptroller General, GAO; and Douglas J. Holtz-Eakin, Director, CBO.

HIGH SCHOOL REFORM EFFORTS—NON-PROFIT ORGANIZATIONS ROLE

Committee on Education and the Workforce: Subcommittee on Education Reform held a hearing entitled ''The Role of Non-Profit Organizations in State and Local High School Reform Efforts.'' Testimony was heard from public witnesses.

U.S.-CHINA TRADE

Committee on Energy and Commerce: Subcommittee on Commerce, Trade, and Consumer Protection held a hearing entitled ''Issues before the U.S.-China Joint Commission on Commerce and Trade.'' Testimony was heard from Jon W. Dudas, Under Secretary, Intellectual Property and Director, Patent and Trademark Office, Department of Commerce.

PATIENT SAFETY AND QUALITY INITIATIVES

Committee on Energy and Commerce: Subcommittee on Health held a hearing entitled ''Patient Safety and Quality Initiatives.'' Testimony was heard from Carolyn M. Clancy, M.D., Director, Agency for Healthcare Research and Quality, Department of Health and Human Services; and public witnesses.

FINANCIAL SERVICES REGULATORY RELIEF

Committee on Financial Services: Subcommittee on Financial Institutions and Consumer Credit held a hearing entitled ''Financial Services Regulatory Relief: The Regulators' Views.'' Testimony was heard from John M. Reich, Vice-Chairman, FDIC; Donald L. Kohn, member, Board of Governors, Federal Reserve System; the following officials of the Department of the Treasury: Julie L. Williams, Acting Comptroller, Office of the Comptroller of the Currency; and Richard M. Riccobono, Acting Director, Office of Thrift Supervision; JoAnn Johnson, Chairman, National Credit Union Administration; and public witnesses.

HOMELAND SECURITY DEPARTMENT MISSIONS EFFECTIVENESS

Committee on Government Reform: Held a hearing entitled ''Assessing the Department of Homeland Security's Mission Effectiveness: Is it Enough to Meet the Terrorist Threat?'' Testimony was heard from Michael Chertoff, Secretary of Homeland Security.

REGISTERED TRAVELER IMPLEMENTATION

Committee on Homeland Security: Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity held a hearing entitled ''The Promise of Registered Traveler.'' Testimony was heard from Bridgette Goersch, Director of Security, Greater Orlando Airport Authority, Orlando International Airport, Florida; and public witnesses.

HOUSE EMERGENCY PREPAREDNESS

Committee on House Administration: Held a hearing on the Emergency Preparedness of the House and the Evacuation of May 11, 2005. Testimony was heard from the following officials of the House: Wilson Livingood, Sergeant at Arms; and James M. Eagen III, Chief Administrative Officer; Chief Terrance Gainer, U.S. Capitol Police; and public witnesses.

FOREIGN RELATIONS AUTHORIZATION ACT; RESOLUTION—MASSACRE AT SREBRENICA

Committee on International Relations: Ordered reported, as amended, H.R. 2601, Foreign Relations Authorization Act, Fiscal Years 2006 and 2007.

The Committee also approved a motion urging the Chairman to request that the following measure be placed on the Suspension Calendar: H. Res. 199, amended, Expressing the sense of the House of Representatives regarding the massacre at Srebrenica in July 1995.

PROLIFERATION SECURITY INITIATIVE

Committee on International Relations: Subcommittee on International Terrorism and Nonproliferation held a hearing entitled ''Proliferation Security Initiative: An Early Assessment.'' Testimony was heard from Stephen G. Rademaker, Assistant Secretary, Bureau of Arms Control, Department of State.

PATENT ACT OF 2005

Committee on the Judiciary: Subcommittee on Courts, the Internet, and Intellectual Property held a hearing on H.R. 2795, Patent Act of 2005. Testimony was heard from public witnesses.

CHILD PROTECTION MEASURES

Committee on the Judiciary: Subcommittee on Crime, Terrorism, and Homeland Security held a hearing on

the following: H.R. 764, To require the Attorney General to establish a Federal register of cases of child abuse or neglect; H.R. 95, Dru Sjodin National Sex Offender Public Database Act of 2005; H.R. 1355, Child Predator's Act of 2005; H.R. 1505, Jessica Lunsford Act; H.R. 2423, Sex Offender Registration and Notification Act; H.R. 244, Save Our Children: Stop the Violent Predators Against Children DNA Act of 2005; H.R. 2796, DNA Fingerprinting Act of 2005, and H.R. 2797, Aime Zyla Act of 2005. Testimony was heard from Representatives Foley, Poe, Ginny Brown-Waite of Florida, and Pomeroy.

OVERSIGHT—CHILD PROTECTION

Committee on the Judiciary: Subcommittee on Crime, Terrorism, and Homeland Security held an oversight hearing on "Protecting our Nation's Children from Sexual Predators and Violent Criminals: What Needs to Be Done?" Testimony was heard from Tracy Henke, Acting Assistant Attorney General, Office of Justice Programs, Department of Justice; and public witnesses.

OVERSIGHT—U.S. OLYMPIC OPERATIONS

Committee on the Judiciary: Subcommittee on Immigration, Border Security, and Claims held an oversight hearing on "The Olympic Family—Functional or Dysfunctional?" Testimony was heard from Jim Scherr, Chief Executive Officer, U.S. Olympic Committee; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on National Parks held a hearing on the following bills: H. R. 562, To authorize the Government of Ukraine to establish a memorial on Federal land in the District of Columbia to honor the victims of the manmade famine that occurred in Ukraine in 1932–1933; H.R. 1096, To establish the Thomas Edison National Park in the State of New Jersey as the successor to the Thomas Edison Historic Site; and H.R. 1515, To adjust the boundary of the Barataria Preserve Unit of the Jean Lafitte National Historic Park and Preserve in the State of Louisiana. Testimony was heard from Representatives Levin, Garrett, Payne and Pascrell; Joseph Lawler, Regional Director, National Capital Region, National Park Service, Department of the Interior; and public witnesses.

AMTRAK FOOD AND BEVERAGE OPERATIONS

Committee on Transportation and Infrastructure: Subcommittee on Railroads held an oversight hearing on Amtrak Food and Beverage Operations. Testimony was heard from JayEtta Z. Hecker, Director, Physical Infrastructure Issues, GAO; the following officials of Amtrak: David L. Gunn, President; and Fred E. Weiderhold, Jr., Inspector General; and public witnesses.

VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2005

Committee on Veterans' Affairs: Subcommittee on Disability Assistance and Memorial Affairs approved for full Committee action H.R. 1220, Veterans' Compensation Cost-of-Living Adjustment Act of 2005.

FEDERAL FOSTER CARE FINANCING

Committee on Ways and Means: Subcommittee on Human Resources held a hearing on Federal Foster Care Financing. Testimony was heard from Wade F. Horn, Assistant Secretary, Children and Families, Department of Health and Human Services; Don Winstead, Deputy Secretary, Department of Children and Families, State of Florida; 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 Barbara D. Bovbjerg, Director, Education, Workforce, and Income Security, GAO; Frederick G. Streckewald, Assistant Deputy Commissioner, Disability and Income Security Programs, SSA; Nan Grogan Orrock, Representative, General Assembly, State of Georgia; and public witnesses.

Hearings continue June 14.

Joint Meetings

ECONOMIC OUTLOOK

Joint Economic Committee: Committee concluded hearings to examine the current economic outlook, after receiving testimony from Alan Greenspan, Chairman, Board of Governors of the Federal Reserve System.

IRAN CRISIS

Commission on Security and Cooperation in Europe (Helsinki Commission): Commission concluded a hearing to examine the human rights situation in Iran and the prospects for a U.S.-European response, after receiving testimony from Goli Ameri, U.S. Public Delegate to the United Nations Human Rights Commission; Jeff Gedmin, Aspen Institute Berlin, Berlin, Germany; Tom Melia, Freedom House, Washington, D.C.; Manda Zand Ervin, Alliance of Iranian Women; Karim Lahidji, International Federation of Human Rights, France.

TRANSPORTATION EQUITY ACT

Conferees met to resolve the differences between the Senate and House passed versions of H.R. 3, to

authorize funds for Federal-aid highways, highway safety programs, and transit programs, but did not complete action thereon, and recessed subject to call.

COMMITTEE MEETINGS FOR FRIDAY, JUNE 10, 2005

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

Committee on the Judiciary, to continue oversight hearings on Reauthorization of the USA PATRIOT Act, 8:30 a.m., 2141 Rayburn.

CONGRESSIONAL PROGRAM AHEAD

Week of June 13 through June 18, 2005

Senate Chamber

On *Monday,* at 2:30 p.m., Senate will begin consideration of Thomas B. Griffith, of Utah, to be United States Circuit Judge for the District of Columbia Circuit. At 6:30 p.m., Senate will consider S. Res. 39, apologizing to the victims of lynching and the descendants of those victims for the failure of the Senate to enact anti-lynching legislation, with 3 hours for debate, followed by a vote on adoption of the resolution.

On *Tuesday,* Senate will continue consideration of the nomination of Thomas B. Griffith, of Utah, to be United States Circuit Judge for the District of Columbia Circuit, with a vote on confirmation of the nomination to occur at 10 a.m.; following which, Senate will begin consideration of H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy.

During the balance of the week, Senate will consider any other cleared legislative and executive business.

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Agriculture, Nutrition, and Forestry: June 14, to hold hearings to examine the benefits and future developments in agriculture and food biotechnology, 2 p.m., SR–328A.

Committee on Appropriations: June 14, Subcommittee on Homeland Security, business meeting to mark up H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, 10 a.m., S–128, Capitol.

June 14, Subcommittee on Energy and Water, and Related Agencies, business meeting to mark up H.R. 2419, making appropriations for energy and water development for the fiscal year ending September 30, 2006, 2:30 p.m., SD–138.

June 16, Full Committee, business meeting to mark up H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and H.R. 2419, making appropriations for energy and water development for the fiscal year ending September 30, 2006, 2 p.m., SD–106.

Committee on Banking, Housing, and Urban Affairs: June 14, Subcommittee on Securities and Investment, to hold hearings to examine the role of financial markets in social security, 10 a.m., SD–538.

June 16, Full Committee, to hold hearings to examine meeting the housing and service needs of seniors, 10 a.m., SD–538.

Committee on the Budget: June 15, to hold hearings to examine current financial condition and potential risks relating to solvency of the Pension Benefit Guaranty Corporation, 10 a.m., SD–608.

Committee on Commerce, Science, and Transportation: June 15, Subcommittee on National Ocean Policy Study, to hold hearings to examine coral reef ballast water, 9:30 a.m., SR–253.

June 16, Full Committee, to hold hearings to examine Federal legislative solutions to data breach and identity theft, 10 a.m., SR–253.

June 16, Full Committee, to hold hearings to examine the nominations of William Alan Jeffrey, of Virginia, to be Director of the National Institute of Standards and Technology, and Israel Hernandez, of Texas, to be Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service, both of the Department of Commerce, Ashok G. Kaveeshwar, of Maryland, to be Administrator of the Research and Innovative Technology Administration, Department of Transportation, and Edmund S. Hawley, of California, to be Assistant Secretary of Homeland Security for Transportation Security Administration, 2:30 p.m., SR–253.

Committee on Energy and Natural Resources: June 14, Subcommittee on National Parks, to hold hearings to examine S. 206, to designate the Ice Age Floods National Geologic Trail, S. 556, to direct the Secretary of the Interior and the Secretary of Agriculture to jointly conduct a study of certain land adjacent to the Walnut Canyon National Monument in the State of Arizona, S. 588, to amend the National Trails System Act to direct the Secretary of the Interior and the Secretary of Agriculture to jointly conduct a study on the feasibility of designating the Arizona Trail as a national scenic trail or a national historic trail, and S. 955, to direct the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including in the National Park System certain sites in Williamson County, Tennessee, relating to the Battle of Franklin, 10 a.m., SD–366.

Committee on Finance: June 15, to hold hearings to examine strategies for strengthening Medicaid, 10 a.m., SD–628.

Committee on Foreign Relations: June 14, to hold hearings to examine six-party talks and matters related to the resolution of the North Korean nuclear crisis, 9:30 a.m., SD–419.

June 15, Full Committee, business meeting to consider the nominations of Zalmay Khalilzad, of Maryland, to be Ambassador to Iraq, Eduardo Aguirre, Jr., of Texas, to be Ambassador to Spain and Andorra, 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, Craig Roberts Stapleton, of Connecticut, to be Ambassador to France, Robert Johann Dieter, of Colorado, to be Ambassador to Belize, Dina Habib Powell, of Texas, to be Assistant Secretary of State for Educational and Cultural Affairs, Rodolphe M. Vallee, of Vermont, to be Ambassador to the Slovak Republic, Molly Hering Bordonaro, of Oregon, to be Ambassador to the Republic of Malta, Ann Louise Wagner, of Missouri, to be Ambassador to Luxembourg, and promotion lists in the foreign service, 2:15 p.m., S–116, Capitol.

June 16, Full Committee, to hold hearings to examine stabilization and reconstruction regarding building peace in a hostile environment, 9:30 a.m., SD–419.

Committee on Health, Education, Labor, and Pensions: June 15, business meeting to consider the nomination of Lester M. Crawford, of Maryland, to be Commissioner of Food and Drugs, Department of Health and Human Services, 9:50 a.m., SD–430.

Committee on Homeland Security and Governmental Affairs: June 14, Oversight of Government Management, the Federal Workforce, and the District of Columbia, to hold hearings to examine the Strategy Targeting Organized Piracy (STOP!) initiative, established to stop trade in pirated and counterfeit goods, focusing on activities undertaken by STOP! to date, its effectiveness in coordinating federal government efforts to combat intellectual property theft at home and abroad, and the federal government's ability to recruit, train and retain the workforce necessary to implement STOP!, also the Administration's long-term strategic plan for STOP! and ways the initiative assists small business protect its intellectual property rights, 10 a.m., SD–562.

June 14, Federal Financial Management, Government Information, and International Security, to hold hearings to examine accountability and results in Federal budgeting, focusing on the specific metrics and tools used by the Office of Management and Budget to determine the effectiveness of Federal programs, the advantages and disadvantages of using these metrics, and how information provided by these metrics is being used to increase effectiveness and accountability in Federal budgeting, 2 p.m., SD–562.

June 15, Full Committee, to hold hearings to examine if the Federal government is doing enough to secure chemical facilities, 10 a.m., SD–562.

June 15, Full Committee, to hold hearings to examine the nominations of Linda M. Springer, of Pennsylvania, to be Director of the Office of Personnel Management, Laura A. Cordero, to be Associate Judge of the Superior Court of the District of Columbia, and A. Noel Anketell Kramer, to be Associate Judge of the District of Columbia Court of Appeals, 2:30 p.m., SD–562.

June 16, Permanent Subcommittee on Investigations, to resume hearings to examine tax delinquency problems with Federal contractors, 9:30 a.m., SD–562.

Committee on Indian Affairs: June 15, to hold an oversight hearing to examine youth suicide prevention, 9:30 a.m., SR–485.

June 16, Full Committee, to hold an oversight hearing to examine Indian education, 9:30 a.m., SR–485.

Committee on the Judiciary: June 14, Subcommittee on Intellectual Property, to hold hearings to examine injunctions and damages relating to patent law reform, 2:30 p.m., SD–226.

June 15, Full Committee, to hold hearings to examine issues relating to detainees, 9:30 a.m., SD–226.

Select Committee on Intelligence: June 14, closed business meeting to consider pending calendar business, 2:30 p.m., SH–219.

June 15, Full Committee, closed briefing regarding intelligence matters, 2:30 p.m., SH–219.

June 16, Full Committee, to hold hearings to examine the nomination of Janice B. Gardner, of Virginia, to be Assistant Secretary of the Treasury for Intelligence and Analysis, 3 p.m., SDG–50.

Special Committee on Aging: June 15, to hold hearings to examine the impact of soaring energy costs on the elderly, 3 p.m., SH–216.

House Committees

Committee on Agriculture, June 16, Subcommittee on Specialty Crops and Foreign Agriculture Programs, hearing to Review Food Aid Programs, 10 a.m., 1300 Longworth.

Committee on Education and the Workforce, June 15, full Committee, hearing on H.R. 2830, Pension Protection Act of 2005, 10:30 a.m., 2175 Rayburn.

June 16, Subcommittee on Select Education, to mark up the following bills: H.R. 509, International Studies in Higher Education Act of 2005; and H.R. 510, Graduate Opportunities in Higher Education Act of 2005, 10:30 a.m., 2175 Rayburn.

Committee on Government Reform, June 14, Subcommittee on Criminal Justice, Drug Policy and Human Resources, hearing entitled ''Threat Convergence Along the Border: How Does Drug Trafficking Impact Our Borders?'' 2 p.m., 2203 Rayburn.

June 14, Subcommittee on Federalism and the Census, to consider H.R. 2385, to make permanent the authority of the Secretary of Commerce to conduct the quarterly financial report program; followed by a hearing entitled ''Revitalizing Communities: Are Faith-Based Organizations getting the Federal Help They Need?'' 10 a.m., 2154 Rayburn.

June 14, Subcommittee on National Security, Emerging Threats and International Relations, hearing entitled ''Elusive Antidotes: Progress Developing CBRN Countermeasures,'' 2 p.m., 2154 Rayburn.

June 14, Subcommittee on Regulatory Affairs, hearing entitled ''Reducing the Paperwork Burden on the Public:

Are Agencies Doing All They Can?'' 2 p.m., 2247 Rayburn.

June 15, full Committee, hearing entitled ''Eradicating Steroid Use, Part IV: Examining the Use of Steroids by Young Women to Enhance Athletic Performance and Body Image,'' 10 a.m., 2154 Rayburn.

June 15, Subcommittee on Criminal Justice, Drug Policy and Human Resources, hearing on Reauthorization of the Office of National Drug Control Policy, 2 p.m., 2247 Rayburn.

June 16, full Committee, to consider pending business, 10 a.m., 2154 Rayburn.

Committee on Homeland Security, June 14, Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment, executive, briefing on Chemical Plant Security, 3 p.m., 2118 Rayburn.

June 15, Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity, hearing entitled ''Preventing Terrorist Attacks on America's Chemical Plants,'' 2 p.m., 2118 Rayburn.

Committee on International Relations, June 14, Subcommittee on Asia and the Pacific, hearing on the United States and South Asia, 9:30 a.m., 2172 Rayburn.

Committee on the Judiciary, June 15, Subcommittee on Immigration, Border Security, and Claims, oversight hearing on The Diversity Visa Program, 4 p.m., 2141 Rayburn.

Committee on Resources, June 15, Subcommittee on Forests and Forest Health, oversight hearing on the Impacts of Federal Land Ownership on Communities and Local Governments, 3:30 p.m., 1324 Longworth.

June 16, Subcommittee on Energy and Mineral Resources, oversight hearing entitled ''Impacts of Environmental Regulations on Energy and Mineral Development: The Wildlands Project,'' 10 a.m., 1334 Longworth.

Committee on Rules, June 13, to consider the following appropriations for Fiscal Year 2006: Science, the Departments of State, Justice, and Commerce, and Related Agencies; and Defense, 5 p.m., H–313 Capitol.

Committee on Science, June 14, Subcommittee on Space, hearing on Live from Space: The International Space Station, 2 p.m., 2318 Rayburn.

June 16, Subcommittee on Energy, hearing on Nuclear Fuel Reprocessing,10 a.m., 2318 Rayburn.

Committee on Small Business, June 14, hearing entitled ''Are Skyrocketing Medical Liability Premiums Driving Doctors Away from Underserved Areas?'' 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, June 14, Subcommittee on Economic Development, Public Buildings and Emergency Management, oversight hearing and markup of The Design, Alteration and Construction Portions of The General Services Administration's Fiscal Year 2006 Capital Investment and Leasing Program, 2 p.m., 2167 Rayburn.

June 14, Subcommittee on Water Resources and Environment, to continue oversight hearings on Financing Water Infrastructure Projects, 10 a.m., 2167 Rayburn.

June 15, Subcommittee on Coast Guard and Maritime Transportation, oversight hearing on Coast Guard Law Enforcement, 10 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, June 16, Subcommittee on Disability Assistance and Memorial Affairs, hearing to consider the following: a measure to amend the Servicemembers' Group Life Insurance (SGLI) program; a measure regarding the Traumatic Injury Protection provisions of Public Law 109–13; and H.R. 1618, Wounded Warrior Servicemembers Group Disability Insurance Act of 2005, 1 p.m., 334 Cannon.

Committee on Ways and Means, June 14, Subcommittee on Human Resources, hearing on the implementation of the State Unemployment Tax Act (SUTA) Prevention Act of 2004 (Public Law 108–295), 10 a.m., B–318 Rayburn.

June 14, Subcommittee on Social Security, to continue hearings on Protecting and Strengthening Social Security, 2 p.m., B–318 Rayburn.

June 16, Subcommittee on Health, hearing on Post-Acute Care, 1 p.m., 1100 Longworth.

Next Meeting of the SENATE

2 p.m., Monday, June 13

Senate Chamber

Program for Monday: Senate will consider the nomination of Thomas B. Griffith, of Utah, to be United States Circuit Judge for the District of Columbia Circuit. At 6:30 p.m., Senate will consider S. Res. 39, apologizing to the victims of lynching and the descendants of those victims for the failure of the Senate to enact anti-lynching legislation, with a vote on adoption of the resolution to occur thereon.

Next Meeting of the HOUSE OF REPRESENTATIVES

12:30 p.m., Monday, June 13

House Chamber

Program for Monday: To be announced.

Extensions of Remarks, as inserted in this issue

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