

transparency in our oil markets. For example, pension funds and other institutional investors are buying oil as part of their investment portfolio, and this has created additional pressure on supply and prices. Institutional money managers now hold between \$100 billion and \$120 billion in commodities investments, at least double the amount 3 years ago, and up from \$6 billion in 1999. More transparency about these transactions would help both the American consumer and the investors by reducing volatility while stabilizing prices.

Finally, for the long term, Congress should repeal oil tax breaks, breaks the industry executives told me when I questioned them in an open hearing they did not even need. Those unneeded oil tax breaks should be replaced with incentives to use biofuels that can replace supply lost from eliminating MTBE from gasoline.

These actions would address the immediate supply and price problems that the administration has failed to address since last summer. It will give the biofuels market incentives to do more research and increase production of cleaner alternatives to replace MTBE in the gasoline supply.

My guess is, and I am happy to see my friend who has an enormous amount of expertise on this issue in the Senate. Over the next few weeks, we will hear a lot of debate about price gouging and exploitation. There is no question in my mind that there are certainly people trying to exploit the situation and trying to take advantage of these extraordinary circumstances we see in our energy markets.

A significant part of these problems such as the change from MTBE to ethanol, problems that we knew about a year ago, that the Wall Street Journal was reporting on, could have been minimized if those folks in the Bush administration, at the Department of Energy, at the Environmental Protection Agency, at the Commodity Futures Trading Commission, if they had been on deck doing their job to stand up for the American people, these problems would not be so serious today.

Yet the same people who bungled the response to those hurricanes last summer are bungling America on its way up to \$3-per-gallon gasoline. I don't think that ought to be acceptable to any Senator. On a bipartisan basis we can force those watchdogs in the Bush administration to get back to the post and stand up for the public.

I yield the floor and suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. CHAMBLISS). Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to speak for up to 15 minutes as in morning business.

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

IMMIGRATION REFORM

Mr. ALEXANDER. Mr. President, 14 years ago, when I was the U.S. Secretary of Education, I received an invitation to the annual Italian-American dinner in Washington, DC. To tell the truth, I really didn't want to go because there are lots of dinners in Washington, DC, and the hours were long when I was working in the President's Cabinet. I wanted to stay home with my wife and children. But that year, 1992, the dinner was in honor of my law school roommate, Paul Tagliabue, who is known to most Americans as the commissioner of the National Football League and the person who likely will be presiding over his last NFL draft this weekend.

So I decided I would go to this one more long, I expected, Washington, DC, dinner in honor of my friend Paul Tagliabue. When I got there, the place was bursting with enthusiasm. Nobody could have doubted that it was the Italian-American dinner. Italian-ness was everywhere. Stallone was there, Pelosi was there, Justice Scalia was there and, of course, the National Football League commissioner Paul Tagliabue was there. It was wonderful, and I was delighted that I went.

The room was filled with emotion. But the reason I tell this story is that the height of emotion on that emotional evening was when everybody in the room paused, put their hands over their hearts, and said the Pledge of Allegiance to the American flag and sang "The Star-Spangled Banner." There were a lot of tears at that moment. The point of it is that in that room of people who were so proud of the country of Italy, from where they had come or their parents or grandparents had come, and there was no mistaking that they were proud to be from Italy, but they were prouder to be American.

I mention that because this week we will begin to discuss immigration again. I believe we are missing the fundamental issue in the immigration debate. Of course, border security is important. Of course, a proper allocation of temporary students and temporary workers is important. There will be a lot of debate about what defines amnesty in any sort of legislation. But I believe the real underlying emotion in the immigration debate, the part that we are missing, is the question of how many new men and women can we absorb at one time in this country. How many men and women can come into this country and become Americans and accept the rights and responsibilities of citizenship? I believe what underlies a lot of the emotion, a lot of the concern about the debate we are having, is that Americans are afraid that we may be exceeding that limit. They want to make certain that almost all of those who come to live here expect sooner or later to become Americans, to accept the rights and responsibilities of citizenship.

My rough calculation is that, in a country of about 300 million people who live in the United States of America today, about 10 percent of us are not citizens of the United States.

We have about 570,000 students from other countries. They are welcome here. They help improve our standard of living while they are working here, and when they go home, they usually spread our values better than any foreign aid we have ever passed.

We have about 500,000 temporary workers of one kind or another who are important to our free market system.

We have 11.6 million permanent legal residents, people with so-called green cards, some of whom are on their way to becoming citizens. But an increasing number of them are not electing to become citizens of the United States.

Then we have 10 million or 12 million people who are illegally here. They are here mostly to work. Some estimates are that they comprise about 5 percent of our workforce.

So, all in all, that is probably more or less 30 million people of the 300 million of us who live here who are not citizens of the United States, and there are another 2 or 3 percent of us who are dual citizens, citizens of the United States and of another country.

An important part of this debate is, how many is too many?

We know the benefits of immigration in the United States of America. We call ourselves a nation of immigrants, and we say that proudly. That spunk, bravery, and courage that caused people to come and still come to our country has defined our character. No other country in the world believes anything is possible, that anyone of any background can rise to the top.

My grandfather, who was a railroad engineer, used to say: Aim for the top, there is more room there. Most people think that is a silly statement. But we don't. That is an essential part of the American character. A lot of it comes from being a nation of immigrants. The diversity that comes into our country because of immigration makes our country more interesting. I once heard Robert Mondavi, the famous California winemaker, say that—and excuse me in Iowa for saying this—20 years ago we could not get a good meal in Des Moines, and into Des Moines came people from different cultures and different countries, and they brought their own recipes. And what makes the food so good today in Des Moines, said Mr. Mondavi, is not that one was an Indian dish or a Sri Lankan dish or a French dish or a Colombian dish, but they mixed it together and created an American cuisine.

The diversity brought to us by people regularly coming to our country makes a difference. And then the patriotism that comes from those who become new citizens enriches us. Our most patriotic citizens are often those who have just become citizens, reminding those of us

who have been here, as our family has for seven, eight, nine generations, that it is nothing to be taken for granted. As our population growth reduces in this country, and in our free market system as we produce a disproportionate number of the new jobs here, we find new workers coming into our country, whether they are skilled workers helping to win new jobs or win Nobel Prizes or whether they are unskilled workers who add to our free market system.

We know the value of immigration to the United States. We know two other things as well. One is that those who come here expect to come to a nation that honors the rule of law. In many cases, immigrants have come here fleeing a nation that didn't have rule of law, where you might be ordered to this place by the whim of a dictator or a potentate or someone who was above the law. That is what most people are fleeing from—nations and countries without the rule of law. It is important that we honor the rule of law here.

New Americans, new people who come to live here understand very well that they have the freedom to drive across State lines, but they cannot run a stop sign. They have the freedom to make contracts with whom they please, but they have to keep the contract. They have a second amendment right to own a gun, but they cannot shoot anybody. This is a nation that honors the rule of law, and new immigrants and those who are already here understand that.

The other thing is that new people coming into our country for the most part understand as well as we do, those of us who are already here, that we are a nation based upon an idea. We are not a tribe. We are not a racial culture. Our ancestry isn't what's most important to us. What matters to us most is the motto that is engraved in stone above the Presiding Officer's desk, "E Pluribus Unum"—from many, one. This country's most magnificent accomplishment is that we have taken people from all different parts of the world and turned this into one Nation. We have done this by insisting that new citizens become Americans.

Becoming American—those two words have always been serious business in this country. In Valley Forge in 1778, as I mentioned on this floor several times, George Washington and his officers took an oath whereby they renounced their allegiance to their former ruler—King George III—and pledged their allegiance to this new country. Ever since then—since 1795 at least—the oath of allegiance that new citizens have taken has been essentially the oath of allegiance that George Washington and his officers took. They didn't renounce—in the case of those at the Italian-American dinner—their Italianess; they are proud of that. But they renounce loyalty to the Italian government and pledge allegiance to this country. They are clear about that, and we have been clear about that for more than 200 years.

When we have large numbers of new people coming into our country, as we did just 100 years ago, which was the last time we had such a large percentage of foreign-born people living in the United States, we went to great efforts to try to help them become Americans. Albert Shanker, the late president of the American Federation of Teachers, once said in a meeting in Rochester, which I attended, that the common school, our public school, was created primarily for the purpose of helping immigrant children learn the three Rs—reading, writing, and arithmetic—and what it meant to be an American, with the hope they would go home and teach their parents. The common school was an "Americanizing" institution. So was Ford Motor Company 100 years ago, as were many businesses.

Robert Putnam, in his book "Bowling Alone," talked about how in this country civic associations such as the Boy Scouts, Girl Scouts, Boys and Girls Club, and Rotary Club were all set up with the idea of reminding ourselves—those who are already here—to help new people coming into our country learn what it means to become an American, to learn our common language, learn our history, and to learn the principles that unite us as a country.

Other countries now are looking at the American experience and wishing they had some of it. Last year, France and England experienced great difficulties with the bombing in the London subways and the riots in France. What was it about? It was about people who had come from other countries to live in France and England and who didn't feel part of the country. They wanted to feel French; they wanted to feel English. People are starting to think how do you become French or English or German, when 5 or 6 years ago you had to be the son or daughter of a German in order to be a German. How do you become Japanese or Chinese? That is a foreign concept in most countries. It is hard to become German or French or Japanese.

But to become a citizen of the United States, you must become an American. We don't want to lose that. That should be the central focus of any immigration debate on the floor of the Senate.

I was in Rome last week, and I visited with our Ambassador to Rome, who is the grandson of an Italian immigrant. He said they have formed a council there in Italy to try to deal with the problem of how do you become Italian because Italy needs more people. It has a population of 58 million, the second lowest birth rate in Europe, the largest percentage of elderly, 2.9 million legal immigrants, over 500,000 illegal immigrants, increasingly Muslim. A large number of Muslims—1.5 million—who live there don't feel they are a part of Italy. If Italy doesn't have people coming from other countries, the number of people who live in Italy will go down and down and so will their

economy. They formed a council in Italy. Four people who were Muslims and who live in Italy were sent to the United States, and one who came back—a woman from Algeria who came to Italy when she was 14 and is now 30—said to our Ambassador to Italy: For the first time, I feel Italian. He asked why. She said: When I went to America, the Muslims I met there felt American. They may be against the war in Iraq, but they all thought of themselves first as Americans.

That is a concept which we don't dare lose. All of us know that the importance of becoming American has been gradually diminishing in our culture, especially since the 1960s. Our schools don't teach U.S. History in the way they once did and in the way they should. In fact, the lowest score our high school seniors have on national tests is not in math, not in science, it is in U.S. History. Our colleges don't require a course in U.S. History. Our colleges of education don't turn out very many teachers of U.S. History.

In an age of globalization, some people say, well, nationality doesn't really make much difference.

Increasingly, official business in States and counties is conducted in more than our common language, English. Even some of our political leaders extol diversity over unity. They extol the pluribus over the unum.

Make no mistake, diversity is important to the United States. It is a great advantage to us, but diversity is not our greatest strength. Jerusalem is diverse. Iraq is diverse. The Balkans are diverse. Our most magnificent accomplishment and greatest strength, and one we should not forget during this debate, is that we have taken all this diversity and formed it into one nation.

That is why I was pleased to see that the Senate adopted, before the immigration bill got off track, an amendment I proposed with a number of other Senators that would help prospective citizens become Americans. It would do it in a number of ways.

In the first place, it would raise to the level of law George Washington's oath, slightly rewritten, the same oath that a half million to a million new citizens have taken every year, an oath that recognizes that someone has waited that 5 years, learned English to an eighth-grade level, passed a test in our history, demonstrated their good character, and said: I foreswear allegiance from where I came, and I pledge allegiance to the United States.

The amendment, which passed the Senate overwhelmingly, would also create grants to prospective citizens who needed help learning English. It would reduce from 5 years to 4 years the amount of time you need to wait to become a citizen if you were fluent in English. That is a level higher than eighth grade. It would create a foundation to help with grants to encourage the teaching of civics and English in the same way that we did throughout

civic organizations 100 years ago in this country.

In addition, we should also look carefully at other parts of what we do in our Government. We should have more support for English as a second language in the schools. We should not have waiting lines of adults who want to learn English in this country, our common language. People want to learn it. We should help them.

We should have more summer academies for outstanding teachers and students of American history and civics. This Congress approved that for the first time last year. We will have two this summer. We should have many more. And we should do more teaching through the traditional American history program that Senator BYRD and others put into the No Child Left Behind Act.

Those things do cost money, but in a \$2.6 trillion budget, surely we can find something to take out so we can put those things in because nothing, I submit, is more important than making sure our children know what it means to be an American and to know that our new citizens do as well.

I am here today to remind myself and my colleagues of that story of my visit to the Italian-American dinner 14 years ago. I wish every Member of the Senate could have been there. I wish they could have seen the pride in the Italian-ness of all there to honor Paul Tagliabue, Justice Scalia, now the ranking Democrat in the House NANCY PELOSI, and Sylvester Stallone. It is important to be reminded that in that room, the greatest emotion was for the Pledge of Allegiance to the United States of America. They may be proud of where they came from, but they are prouder of where they have come.

I will ask unanimous consent to have two articles printed, one entitled "Citizenship is the Key" by Noah Pickus, who is the associate director of the Kenan Institute for Ethics at Duke University and who writes about the importance of hometown associations in the United States that link immigrants to their native community and culture while serving as a vehicle for engagement with American society.

He says:

All of these approaches—new citizenship processes, new structures and strategies for incorporation and new coalitions—can focus our attention on the important and difficult work of building a nation here at home.

And secondly, an article from the Memphis Commercial Appeal about the teacher Christine Byrd who teaches children in Memphis who don't know English, our common language of English, and she wrote down what immigrant children have told her about their first impressions of America. It reminds us of the strength and vitality of new people coming here.

"You can take a shower with hot and cold water running at the same time," said a third grader from Sudan.

"You can have a fluffy towel to dry after a shower," said a first grader from Nigeria.

"You can go to school for free," said a student from Vietnam.

"You can go to a pet store and buy a pet," said a student from China.

"You can be rescued by the [Transportation Department] on the freeway," said a student from Vietnam.

"You can have ice cream any time you want," said a student from China.

I ask unanimous consent these articles be printed in the RECORD.

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

[From Newsday, Apr. 9, 2006]

CITIZENSHIP IS THE KEY

(By Noah Pickus)

Citizenship has become the most controversial element in current immigration reform. The House has passed an "enforcement-first" bill that would effectively preclude citizenship for illegal immigrants or foreign workers, and the Senate is grappling with various proposals that could legalize the status of some or all illegal immigrants who are already in the United States and create new guest-worker programs.

The key issue this legislation faces whenever it finally gets to a conference committee will be whether illegal immigrants or guest workers should be allowed to apply for citizenship and under what conditions.

This attention to citizenship is surprising, given that most of the public debate has turned on questions of economics, security and border enforcement. It also marks a significant break from the last major debate over illegal workers, the 1986 Immigration and Reform Control Act. Then, advocates for amnesty pressed for legal status, not citizenship, arguing that the latter was passe in a global world and that illegal immigrants' economic and social ties demanded full legal recognition.

More recently, Mexican President Vicente Fox has said that Mexicans in the United States are "not going to become American citizens, nor do they want U.S. citizenship. What they are interested in is having their rights respected." In this, he has been joined by business interests whose primary goal is to secure a steady stream of low-wage workers.

Whether legalization or guest worker programs are a good idea will rightfully be the subject of much debate in the coming weeks. But if we are to have them, it is critical to ensure that citizenship rather than merely legal status or labor eligibility is our common goal.

Most Americans don't favor temporary guest worker programs or simple amnesty programs. They want immigrants who work hard and have put down roots to further invest in creating stable neighborhoods and manageable schools, and in becoming American. By contrast, even if a temporary worker program operated effectively, it would create large numbers of immigrants who are, by definition, transient.

If, as seems likely, workers who put down ties in a community don't go home at the end of their work permit, we are creating the conditions for continued social disorder. If citizenship is not a realistic goal for illegal immigrants who have been in the United States for some time, or for future guest workers, we risk creating the same disenfranchised underclass of immigrants that is rolling Europe.

As important as a pathway to citizenship is, though, building a common sense of citizenship and identity will require an active commitment on the part of both immigrants and citizens.

Our naturalization process needs to offer a real opportunity for civic learning and social cohesion. The process now is characterized by frustrated administrators, poorly funded providers of civic and English classes, doubtful citizens and, most especially, confused and worried immigrants. (Although little noticed, one part of the current immigration reform bill would establish a foundation to support the activities of the Office of Citizenship and provide grants for organizations to offer civics, history and English courses.)

We also need to learn from past integration efforts that instruction in lofty principles isn't sufficient to incorporate newcomers. Immigrants need structures and strategies for negotiating the often bewildering challenges of making a new life in a new place.

One hundred years ago, during the last major wave of immigration, Jane Addams understood how poor, uneducated immigrants had to be enticed into the public realm by appealing to their pressing private concerns. She recognized that domestic issues of child care, nutrition and housing had to be linked to broader lessons about personal and social responsibility.

This approach is needed again today, especially in bridging the gap between immigrant and native-born communities. For at least the last decade or so, Americans have been worrying about the erosion of community ties, civic institutions and social trust. What has been too easily overlooked in these debates is that there are sources of social capital even in beleaguered immigrant communities.

There are, for instance, more than 1,500 hometown associations in the United States that link immigrants to their native community and culture while serving as vehicle for engagement with American society. If American civic groups joined forces with these associations, they could turn a legalization program into an integration movement. Instead of treating legalization as evidence of our inability to control our borders, they could use it as a vehicle for building coalitions in support of a common citizenship.

All of these approaches—new citizenship processes, new structures and strategies for incorporation and new coalitions—can focus our attention on the important and difficult work of building a nation here at home.

WITH ENGLISH AS THEIR SECOND LANGUAGE,
RELATING COMES FIRST

(By Ruma Banerji Kumar and Halimah Abdullah)

Apr. 11, 2006.—Christine Byrd started speaking gibberish.

That's what it sounded like to the 15 or so teachers who were in a training session with her on a recent Friday.

Byrd was actually speaking Vietnamese. She asked the group simple questions: their names, the date.

The teachers started feeling uneasy. Some began to write nervously on paper, randomly guessing at what she was asking of them. Others stared blankly.

Byrd works in the Memphis city school office that trains and supervises teachers working with foreign-language speaking students. She had just taught the group a key lesson: how it feels to be an immigrant child in a foreign place.

"When you don't understand the language spoken all around you, you don't have any foothold," said Byrd's supervisor, Andrew Duck. "You're hearing sounds, but you're not able to relate them to anything. It causes a little bit of fear, uneasiness."

To drive the lesson home, Byrd also shared with teachers a diary she's kept of what immigrant children have told her about their

first impressions of America. It's an account she has collected over the past decade.

The children use simple words.

They are grateful for basic opportunities.

Understanding that mindset, Byrd says, will help teachers meet the needs of students who are sometimes enigmas to them.

The words of the children take on particular significance this week, as an estimated 1 million immigrants rally across the country for reform in the way the law classifies and treats those who enter American borders illegally.

Byrd's journal is called "Only in America." Here is what some students say they can do only in America:

"You can take a shower with hot and cold water running at the same time."—Third-grader from Sudan, Treadwell Elementary.

"You can have a fluffy towel to dry after a shower."—First-grader from Nigeria, Treadwell Elementary.

"You can go to school for free."—Student from Vietnam, Treadwell Elementary.

"You can go to a pet store and buy a pet."—Student from China, Treadwell Elementary.

"You can have free transportation to school."—Student from Sudan, Treadwell Elementary.

"You can be rescued by TDOT on the freeway."—Student from Vietnam, Bellevue Junior High.

"You can have ice cream anytime you want."—Student from China, Bellevue Junior High.

"You can wash clothes anytime you want."—Student from Sudan, Treadwell Elementary.

"You can go to church every Sunday."—A student from China, Central High.

"You can raise million dollars to help the victims of 9/11."—Vietnamese student, Central High.

"You can travel at night and not be afraid of running out of gas and foods."—Student from West Africa, Central High.

"You can travel anywhere at anytime and not have to ask for permission."—Vietnamese student, Central High.

"You can vote for anybody you want."—Student from Sudan, Central High.

"Women can vote."—Student from Afghanistan, Central High.

"Women can have her baby at the hospital without her husband's blessing."—Student from Iraq, Central High.

"You can own 3 or more televisions, a house and 1 to 2 cars at the same time."—Student from Vietnam, Bruce Elementary.

"You can go to a Pet Bakery Shop and buy a cookie for your pet."—Student from Vietnam, Bruce Elementary.

Mr. ALEXANDER. Mr. President, I see the whip. I have three or four remarks on another subject.

Mr. MCCONNELL. I am in no hurry.

Mr. ALEXANDER. I thank the whip. May I be granted time to finish my remarks?

The PRESIDING OFFICER. Without objection, the Senator is recognized for 3 minutes.

FEDERAL COURT CONSENT DECREEES

Mr. ALEXANDER. Mr. President, I ask unanimous consent to print in the RECORD an editorial from the Wall Street Journal, dated April 18, entitled "Democracy by Decree."

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

[From the Wall Street Journal, Apr. 18, 2006]
DEMOCRACY BY DECREE

Miracles do happen. In Los Angeles last week a state judge lifted a consent decree issued in 1991 after parents filed a lawsuit claiming that public schools in poor neighborhoods had too few experienced teachers. The court has since ordered the school district to spend an average of \$11 million a year on teacher training in certain schools. And now, almost 15 years later, the judge has finally declared herself satisfied and declined to extend the decree for another five years.

Other locales aren't so lucky. Consent decrees are judicial decrees that enforce agreements between state and local governments and the parties suing them. But such decrees have proliferated to the extent that judges are micromanaging many public institutions in the name of protecting "rights." And they're costing taxpayers money and infringing on the right to self-government.

In New York, a 1974 federal consent decree has mandated bilingual education in the city's schools for more than 30 years—even though many parents want no part of it. In Tennessee, a federal consent decree from 1979 prevents the state from requiring generic, rather than brand-name, drugs for Medicaid patients despite the fact that this is standard practice for many private drug plans and other state Medicaid programs. And in Los Angeles, a 1996 consent decree has forced the Metropolitan Transit Authority to spend 47% of its budget on city buses no matter what the MTA deems to be its priorities.

New York Law professors David Schoenbrod and Ross Sandler call this "democracy by decree," or the process by which public-policy decisions are taken out of the hands of elected legislators and left to an unelected judiciary. Their 2002 book of that name is the inspiration for legislation introduced in the Senate last month that would limit the use of federal consent decrees.

The legislation's sponsors are Tennessee Republican Lamar Alexander and Arkansas Democrat Mark Pryor. It's no coincidence that both Senators were once state officials. "I'm looking at this as a former Governor," says Mr. Alexander. "The idea is to try to let those who are elected make policy unencumbered by courts." Mr. Pryor is a former Arkansas Attorney General. Similar legislation is pending in the House.

Consent decrees can be a huge burden on state and local officials. They sometimes last for decades, long after the officials who agreed to them have left office. Newly elected officials often find themselves locked in by the decrees, unable to put in place policies they were elected to implement. Outgoing officials have been known to sign their names to such decrees in an effort to force their successors to go along with policies they oppose.

One part of the Alexander-Pryor solution is term limits—either four years for a decree, or the expiration of the term of the highest elected official who signed his name to it. Their legislation also sensibly shifts the burden of proof for modifying or ending the decree to plaintiffs from state and local governments.

The legislation endorses the view of a unanimous Supreme Court, which in 2004 called for limiting decrees. It warned in *Frew v. Hawkins* that federal consent decrees could encroach on state and local power. They may "improperly deprive future officials of their designated and executive powers," the Court said. They may also lead "to federal court oversight of state programs for long periods of time even absent an ongoing violation of the law."

There are federal consent decrees in force in all 50 states, with judges running prisons,

schools, welfare agencies, health-care systems and more—based on the advice of the advocates who brought the original lawsuits. It's time to turn those jobs back to the elected lawmakers, and it's good to see at least someone in this ostensibly conservative Congress show some modesty about federal authority.

Mr. ALEXANDER. Mr. President, 25 of us in the Senate have introduced S. 489, a bipartisan piece of legislation—Senators KYL and CORNYN on the Republican side and Senators PRYOR and NELSON on the Democratic side, and a number of others—to try to put some reasonable limits on the use of Federal court consent decrees that take away from elected officials and State and local government the right to make policy decisions that they make so they can get on with their business without undue interference from the courts. It is based on a scholarship book called "Democracy by Decree" by two former lawyers for the National Resources Defense Council, David Schoenbrod and Ross Sandler.

Their scholarship has been applauded by a broad range of people, including former New York City Mayor Ed Koch and former Senator Bill Bradley. It talks about the importance of taking Federal court consent decrees, which can be very useful tools, and making certain they don't last forever.

To use a one-paragraph example:

In New York, a 1974 federal consent decree has mandated bilingual education in the city's schools for more than 30 years—even though many parents want no part of it.

In Tennessee—my State—a Federal consent decree from 1979 prevents the state from requiring generic, rather than brand-name, drugs for Medicaid patients despite the fact that this is standard practice for many private drug plans and other State Medicaid Programs.

While the State waited for a Federal court to decide how much it wanted to intervene, it was costing the State enough to give every Tennessee teacher that year a \$700 pay raise.

And in Los Angeles, a 1996 consent decree has forced the Metropolitan Transit Authority to spend 47 percent of its budget on city buses no matter what the MTA deems to be its priorities.

In the House of Representatives, the Republican whip, ROY BLUNT, is the principal sponsor. JIM COOPER, a Democrat from Nashville, is the principal Democratic sponsor. Representative COOPER says this bill is about keeping democracy fresh. It has had hearings in the Senate. It is scheduled for markup. It is a good, reasonable bill. It is making progress in the House.

We are going to have to bring the growth of Medicaid spending under control over the next several years. We cannot ask State governments to do that unless we give them more authority over their own decisions. This bill would help do that.

I call this editorial to the attention of my colleagues.

I thank the Republican whip for granting me this extra time.