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House of Representatives

The House was not in session today. Its next meeting will be held on Monday, April 25, 2005, at noon.

Senate

FRIDAY, APRIL 22, 2005

The Senate met at 9:30 a.m. and was called to order by the Honorable JOHNNY ISAKSON, a Senator from the State of Georgia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, our Father, You are holy, You are our strength and shield. Let Your presence be felt in our world. Comfort those brought low by sorrow and uncertainty. Lighten the load for those who are burdened beyond their resources. Lift those who are bowed by life's circumstances and sustain those who walk through the valley of shadows. Today, use Your Senators for Your glory. Let Your peace prevail in their hearts. May the work of our lawmakers hasten the day when the nations of the world will live together in dignity and harmony. Teach us creative ways to work for the betterment of humanity. Lord, we will wait for Your mercies in the presence of Your people. We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHNNY ISAKSON 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, April 22, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHNNY ISAKSON, a Senator from the State of Georgia, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. ISAKSON thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Utah is recognized.

SCHEDULE

Mr. BENNETT. Mr. President, today we will have a period for morning business to permit Senators to make statements. As announced by the majority leader last night, there will be no rollcall votes during today's session. We hope to begin consideration of the highway bill next week. The majority leader will have more to say on that later. Perhaps we will have information on that schedule by the close of business today.

As a further reminder, there will be no rollcall votes on Monday, which is April 25. On behalf of the leadership, I thank Senator COCHRAN for his work on

the emergency supplemental appropriations bill, which we passed yesterday by a vote of 99 to 0. We will shortly proceed to a conference in order to produce a final product that will be sent to the President.

I thank everyone for their attention this morning, and I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The Chair recognizes the Senator from Colorado.

JUDICIAL NOMINATIONS

Mr. ALLARD. Mr. President, I rise this morning to clear up the apparent confusion and misinformation surrounding the confirmation of judicial nominations.

I hope to shed some light on one of our most important obligations and express to the American people the truth about the partisan obstruction of our constitutional duties.

Article II of the Constitution, known as the advice and consent clause, requires Senate approval of judicial nominations. This obligation is only

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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fulfilled when the Senate allows an up or down vote on a nominee.

The vote acts as an expression of the body's "advice and consent," but this expression simply cannot occur if it is blocked by a filibuster.

I strongly believe that the use of a filibuster to block judicial nominations is not only unprecedented minority obstruction but an attack on the Constitution itself.

The decision to vote on a judicial nomination or to obstruct the nominee pits the Constitution against a mere tool of parliamentary procedure; that is the Constitution versus a Senate rule called the filibuster.

I urge my colleagues to put our faith in the founding document, not a filibuster rule. To do otherwise degrades the Constitution and relegates it to the level of an arbitrary rule of procedure. Let me make it clear.

I am not going to stand idly by as parliamentary maneuvers run roughshod over the Constitution and centuries of Senate practices.

The Republican majority is not establishing new precedent. We are simply trying to restore the rights of the Constitution and the practices that this body has observed for over 200 years.

If the Senate allows the filibusters of judicial nominations to continue, it will be acquiescing in a minority's unilateral change to Senate procedure and practices; requiring 60 votes for the confirmation of judges through the rules, undermining the Constitution's requirement for a 50-vote majority.

The practical effect is an amendment to the Constitution without the approval of the American people.

My colleagues on the other side would have everyone believe that the filibuster is being eliminated. But that simply is not the case.

They don't mention that the filibuster never existed on judicial nominations. In fact, it never existed until the Democrats broke with over 200 years of Senate procedure and unleashed the filibuster last Congress to block 10 judges.

It was not a usual way of doing business. It was the first time in the history of the Senate the filibuster was used. The Democrats want to have it both ways. They want to change the history of the Senate by blocking judges with the filibuster, rewrite the Constitution by using the filibuster to thwart the advice and consent clause, and then blame Republicans for simply saying, "let's follow the Constitution and allow votes on judges, let's follow Senate tradition."

They falsely portray our actions to preserve the advice and consent clause as something akin to minority persecution.

But what they don't mention is that the filibuster is not a law. It is not in the Constitution. In fact, the Founding Fathers didn't even envision a filibuster weapon at all.

Even more astonishing is the fact that several of the Democrats who are

now ardent supporters of the judicial filibuster are the same ones who tried to eliminate the filibuster entirely just a few years ago, not only on judicial nominations but on everything, including legislative actions.

It is the Democrats who are altering history. It is the Democrats who are unleashing a weapon that threatens to alter the traditions and precedent of the Senate.

It is the Democrats who are revising the history of our Founding Fathers and undermining the three branches of our separate but equal system of Government.

For example, from 1789 until 1806 the Senate had a traditional "motion for the previous question" in its rules. There was no intention to create a Senate where a filibuster was prominent. The filibuster was not used in any significant way at all until the 1840's, and it was never used for judicial nominations.

The Senate's original cloture rule, in 1917, did not even apply to nominations because no Senator had ever used a filibuster to block a nomination.

Let me repeat that, up until 1917 the Senate's original cloture rule didn't even apply to nominations because no Senator had ever used a filibuster to block a nomination.

The rule did not apply, not because the Senate approved of such filibusters but because Senators never contemplated them.

A thorough examination of Senate history clearly demonstrates that there is no precedent for the Democrats' use of the filibuster to permanently block the confirmation of judicial nominations.

Some Democrats claim that Republicans want to destroy the filibuster for all matters. This is simply not true.

What is true is that the only sitting Members of the Senate on record supporting the elimination of the filibuster are Democrats.

In 1995, 19 Senators all Democrats, not one Republican, voted to eliminate the filibuster for all matters, not only judicial but also legislature. Nine of the 19 Democrats who voted for the Harkin-Lieberman rule change remain in this body today.

And all of those Senators now support the filibustering of judicial nominations. If it was ok to end the filibuster rule in 1995, why is it not ok today?

Let me just share some of the comments made by those Democratic Senators in 1995:

For too long, we have accepted the premise that the filibuster rule is immune. Yet, Mr. President, there is no constitutional basis for it. We impose it on ourselves. And if I may say so respectfully, it is, in its way, inconsistent with the Constitution, one might almost say an amendment of the Constitution by the rules of the U.S. Senate.

The Democrats also said:

[A] filibuster ought to be used to slow down, temper legislation, alert the public, change minds, but should not be used as a measure whereby a small minority can to-

tally keep the majority from voting on the merits of a bill.

Now 10 years later, evidently what is good for the goose can forget about the gander.

Turning to the issue of Senate rules, the Democrats claim that changing the rules of the Senate is unprecedented, that using the Constitution to end the filibuster is tyranny.

Again, let me point out another instance where the goose has left the gander.

The constitutional option is grounded in Article I, Section 5 of the U.S. Constitution that empowers the Senate to "determine the Rules of its Proceedings."

The Senate has repeatedly exercised the constitutional option to define minority rights, as long ago as 1977, and it has done so in a Democratic-led majority.

The use of a simple majority vote to set precedents is as old as the Senate. In fact, the constitutional option has been exercised in 1977, 1979, 1980, and 1987.

It was used in 1977 to end post-cloture filibusters; in 1979 to limit amendments to appropriations bills; in 1980 to govern consideration of nominations; and again in 1987 to govern voting procedures.

In every instance, the Senate acted independently of the Senate rules in order to change Senate procedures in the face of obstruction or abuse by a minority of Senators.

History clearly shows that it is the constitutional option that has been used before. It is the use of the filibuster that is an unprecedented expansion of minority obstruction.

An exercise of the constitutional option under the current circumstances would return the Senate to the historic and constitutional confirmation standard of a simple majority for all judicial nominations.

Employing the constitutional option here would have no effect on the legislative filibuster, and this is very important. Senators would still have the ability to filibuster any bill, any time.

The Constitution calls upon the Senate collectively to determine whether or not a particular nominee is qualified to serve. This determination is made in one vote, the approval or disapproval of the nomination itself. Advice and consent does not mean avoiding a vote on a judicial nominee entirely by employing a filibuster.

If a Member of the Senate disapproves of a judge, then let them vote against the nominee.

But a filibuster should never be used to deprive the people of the choice selected by their elected representatives.

It is the Senate's duty to collectively participate in a show of "advice and consent" to the President by voting. It is this act that exercises what James Madison referred to as the remote choice of the people.

I sincerely hope we can work through the impasse on judicial nominations.

I hope those opposed to the President's nominees will be given the opportunity to vote against them and that they will speak their mind about it.

But I also hope that we will be allowed to provide the guidance we are required to provide under the Constitution.

The basic decision the Senate must make is this: Either constitutional advice and consent prevails or the filibuster is allowed to change the Constitution. I believe in the Constitution. I believe we should vote on the nominations.

As I have said so many times before, "vote them up, or vote them down, but just vote.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, I ask unanimous consent that I be allowed to continue in morning business for 20 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

JUDICIAL NOMINATIONS

Mr. BENNETT. Mr. President, the Senator from Colorado talked about the ongoing conversation with respect to the filibuster in the Senate. If I may, I would like to reminisce for a little while because I have something of a history in the Senate. I have clearly not been here nearly as long as many of my colleagues, but I first came into this Chamber when I was a teenager. My father was a Senator. I was a summer intern in his office. I suppose there was something strange about me as a teenager because I was more interested in the Senate than I was in sports or cars, the two subjects that young boys are supposed to be paying attention to.

I remember sitting in the family gallery one evening listening to the debates. In those days, there were debates. There was not the situation we find now where Senators come to the floor to posture for the television cameras. They came to the floor to have a clash of ideas. I remember a particular debate where a Senator on the Democratic side of the aisle was holding forth. He seemed to be winning the argument and the Senators on the Republican side of the aisle sent up the call for the chairman of the Finance Committee, who entered the back of the Chamber. I remember the Democratic Senator saying, I see the Republicans have brought up their heavy artillery. Then there was an exchange be-

tween these two Senators which the chairman of the Finance Committee clearly won.

The Democratic Senator got a little flustered and a little angry at being bested in the debate and so he started to complain about the fact that Colorado, a small State, had as many Senators as Illinois, the big State, which he represented. Whereupon the chairman of the Finance Committee from Colorado then said, the Senator is no longer opposed to the bill. He is now opposed to the Constitution. I must say, I am not surprised. And he turned on his heel and walked out and the debate was over. It was an exciting thing to watch for those of us who were political junkies.

We have come a long way from that. I don't think it is a long way forward. We have come a long way from the give and take of debate into an atmosphere where this Senate has become the platform for people to express harsh views, strong political rhetoric, and occasionally, in my view, go over the line of that which is appropriate. We have become a sounding board for partisanship rather than a deliberative body for debate.

I am not quite sure when we started in that direction or what brought us from that old time to this present time. One of the moments might have been the debate over the nomination of Robert Bork to the Supreme Court. Robert Bork is the only nominee I know of whose name has turned into a verb. We now hear groups, as they talk about a nominee, say "we're going to Bork him." Look back at what was done with respect to the nomination of Robert Bork and it was nothing short of character assassination; or, to use a phrase that was popular in the last administration, the politics of personal destruction.

We have seen that activity poison the comity of the Senate on both sides of the aisle because when it was done to Robert Bork on behalf of those who were opposed to the nomination made by President Reagan, those who were Reagan supporters began to say, we will do the same thing. When Democratic Presidents came along, their nominees began to be attacked on a personal basis rather than on the merits of the situation, much as Robert Bork had been. Now it becomes a standard tactic on both sides of the aisle.

Why do I raise that with respect to the controversy over whether the Senate has the right by majority vote to change its rules? I raise it because too much of the current debate over that question has gone in the direction of "Borking"—Senators on both sides of the aisle, the process on both sides of the aisle and, if you will, the institution itself.

I have great reverence for this institution and I am distressed at what I see as I look over the landscape with respect to this particular debate. I see on one side e-mails and press releases

saying we must stop George W. Bush from packing the courts with right-wing whackos. That is what this debate is about. The filibuster is our tool to prevent right-wing whackos from getting on the court.

The first circuit court judge ever prevented from gaining a vote by virtue of the filibuster in the history of the American Republic was a man named Miguel Estrada. Miguel Estrada is an immigrant to this country. He came here not speaking English. He graduated from the Harvard Law School as the editor of the Harvard Law Review. He served in the Justice Department under the first President Bush in the Solicitor's Office and received glowing recommendations and reports from every one of his superiors. Indeed, his performance was sufficiently outstanding that he remained in the Justice Department in the Solicitor's Office for 2 years while Janet Reno was the Attorney General. Janet Reno is not known for harboring right-wing whackos.

The American Bar Association gave him their highest recommendation for this position and they are not known for harboring right-wing whackos.

Yet the level of debate has followed to the point that those who decided they must oppose Miguel Estrada for whatever reason stand mute while he and others like him are attacked as right-wing whackos. Unfortunately, this kind of attack does not stay on one side or the other. Today there are radio ads being run in the home states of Senators who have still not made up their mind how they are going to vote, radio ads that attack these Senators' integrity and suggest if they do not vote as the majority leader would like them to vote, they are not people of faith. They are attacking their integrity and their religion. To me, that is as repugnant as attacking the President's nominees as right-wing whackos.

This kind of vilification must stop, but I don't know how to stop it. The first amendment gives us all a right to say whatever we want to say, however ridiculous it may be, however offensive it may be. But it is ridiculous and it is offensive to have the kind of debate going on over this issue. This is a legitimate issue on which Senators can have legitimately differing views. It should not become a vehicle for practicing the politics of personal destruction. But it is going on.

I simply raise my voice in the hope that on both sides, the temperature of the rhetoric can come down, and we can discuss the issue on its merits. Let me do my best to discuss the issue on its merits in the time I have.

First, what are we talking about? We are talking about changing a Senate tradition. We are also talking about changing a Senate rule. I want people to understand the two are not the same. Indeed, we have formal rules in the Senate governing the way we do business. We have created traditions

and, quite frankly, the tradition trumps the rule. If somebody invokes the rule, they can overturn the tradition, but the tradition that has taken hold trumps the rule.

I will give an example of which I am sure the Presiding Officer is aware. The rule says the Presiding Officer is required to recognize whichever Senator addresses the Chair first. The tradition is that the Presiding Officer recognizes the majority leader first, even if he is not the first one in a jump-ball situation to shout out the name of the Presiding Officer. The tradition says the Presiding Officer recognizes the minority leader second, recognizes the majority manager of the bill third, the minority manager of the bill fourth, and then those Senators who ask for recognition are recognized according to the rule.

We honor that tradition for a variety of good reasons. We have not written it into the rules, but it does not matter because the tradition trumps the rule and it helps the Senate move forward.

I make a point of this difference for this reason: those who say the filibuster being used to stop judicial nominees are acting in accordance with the rule, are exactly right. The rule has always been there and those who used the rule to stop the nomination to prevent an up-or-down vote on Miguel Estrada were entirely within their rights and acting absolutely in compliance with the rules. Let's not demonize them for using the rules.

However, those who say it is a violation of the Senate tradition to use the filibuster to block a circuit court judge are also exactly right. By tradition, we have always held in the Senate that a nominee who gets out of committee and comes to the Senate is entitled to an up-or-down vote. By invoking the rule in the last Congress, the then-Democrat leader overturned the tradition. By talking about changing the rule now, the Republican leader, the majority leader, is entirely within his rights. Neither one should be demonized for the position they took.

Let's look at why the tradition held for so many years. It held because the spirit of comity ruled in the Senate and each party recognized the time would come when the other party would control the Presidency. Indeed, if you look at history, it is almost inevitable that the other party will control the Presidency. Since the end of World War II through the election of 2004, we have had 15 Presidential elections. The party in power has won eight and the party out of party has won seven. You cannot get any closer than that. There has been only one time in that entire run where a single party won three consecutive elections, Reagan in 1980, Reagan in 1984, and Bush in 1988. Every other time the longest run either party has been able to have has been 8 years, so the historic norm says there will be a Democratic president after 2008. I hope that is not the case, but that is what history suggests will happen.

Each side has recognized that their side will have a President within a relatively short period of time—since the end of World War II, within less than 8 years. So each side has said, let us not invoke the rule that says you can filibuster judges. Instead, let us abide by the tradition that says every nominee is entitled to an up-or-down vote. That way, when we get the Presidency, our President will have the same courtesy we are now extending to their President.

I remember very clearly when President Clinton sent some nominees to this body which members of my conference decided were left-wing whackos, if I might use that phrase. They, fortunately, did not use that phrase in public as it is being used now. And I do not think they should. But they felt these nominees were too extreme to be on the bench.

When it was clear we did not have the votes to prevent them from going on the bench, there were those in the conference who said: We have to filibuster. Let's use the filibuster to prevent them. We can muster 41 votes.

The chairman of the Senate Judiciary Committee, my colleague from Utah, ORRIN HATCH, and the then-majority leader, the Senator from Mississippi, TRENT LOTT, both pled with us: Don't do it. Don't start down that road. We have never done it before. And we shouldn't do it now.

And why not? Because, they said: After 2000, we are going to have the Presidency, and we want our President to have the same courtesy we are begging with you to extend to President Clinton. They carried the day. There was no Republican filibuster on the floor of any circuit court judge.

Now we find ourselves in a situation where the tradition has been changed, and the question is, will we now change the rule to reestablish the tradition? It is a legitimate debate. I have respect for those who hold positions on both sides.

I do make this comment. If the rule change does not go through, and the rule that now holds that says judicial nominees are fair game, I guarantee the next time the Democratic Party has a President who sends up a nominee that 41 Senators on the Republican side decide they do not like, the Republicans will abide by the rule that has changed the tradition, and they will filibuster the nominee.

Now, I have many of my colleagues who say: No, no, we would never do that. We honor the tradition, and we would go back to that tradition.

I do not believe them. I do not say they are lying to us. I think they believe what they are saying now. But I believe, in the heat of the battle that would come with a Republican minority in the Senate and a Democratic President, the Republicans, in the present atmosphere, would say: Let's use the filibuster. Let's give them a taste of their own medicine. The level of political dialogue would continue to

go down. The level of personal destruction would continue to go up.

The other question I raise for speculation: Suppose nothing happens in this Congress, Democrats win the Presidency in 2008, the Republicans do use the filibuster to stop judges a Democratic President sends forward, but the Democrats are in control of the Senate. Will those who are standing here saying this is a disaster for the Senate give a pledge that they will not, when they are in the majority, suggest using 51 votes to get rid of the filibuster on judicial nominees?

I suggest they would be tempted to do the same thing the Republicans are trying to do now in order to take care of their Democratic President. Indeed, the record shows they have done that.

These quotations have already been given on the floor, but I want to repeat them in this context.

Senator BYRD, in 1979, said:

Now we are at the beginning of Congress. This Congress is not obliged to be bound by the dead hand of the past . . . [I]t is my belief—which has been supported by rulings of Vice Presidents of both parties and by votes of the Senate—in essence upholding the power and right of a majority of the Senate to change the rules of the Senate at the beginning of a new Congress.

Senator BYRD now disavows that position. And I respect that. Each one of us is entitled to change our mind. I have changed my mind. He is entitled to change his. Will he make a pledge he will not change it back when the Democrats are in the majority and say: "We want to prevent filibusters of our President's judicial nominees"?

Senator KENNEDY said in 1975:

By what logic can the Senate of 1917 or 1949 or 1959 bind the Senate of 1975? As Senator Walsh of Montana said during the Senate debate in 1917 on the enactment of the original rule XXII: "A majority may adopt the rules in the first place. It is preposterous to assert that they may deny future majorities the right to change them."

Senator KENNEDY has obviously changed his mind. And I respect the Senator's right to change his mind. But I ask again, What assurance do we have he will not change his mind back if the Democrats get the majority and are seeking to protect a President of their own?

In 1995, there were nine Senators who voted in favor of eliminating all filibusters, not just judicial filibusters, all filibusters—nine Senators still serving, Senator BINGAMAN, Senator BOXER, Senator FEINGOLD, Senator HARKIN, Senator KENNEDY, Senator KERRY, Senator LAUTENBERG, Senator LIEBERMAN, and Senator SARBANES. They voted in favor of eliminating all filibusters. They have now changed their minds. They have the right to change their minds. And I respect that. What indication do we have they will not change their minds back if we do not get this thing settled in this Congress?

Going back to the newspaper that sometimes acts as the house organ for the Democratic Party, the New York Times, this is what they had to say in

1995, when Senator HARKIN introduced the legislation to eliminate filibusters.

Mr. President, I ask unanimous consent that editorials of the New York Times be printed in the RECORD at the conclusion of my statement.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BENNETT. The New York Times said: "Time to Retire the Filibuster." That is the headline on the editorial. It says:

The U.S. Senate likes to call itself the world's greatest deliberative body. The greatest obstructive body is more like it.

And they go on to attack filibusters and give a little of the history. And then this is their summary of the filibuster, four paragraphs down:

One unpleasant and unforeseen consequence has been to make the filibuster easy to invoke and painless to pursue. Once a rarely used tactic reserved for issues on which senators held passionate convictions, the filibuster has become the tool of the sore loser, dooming any measure that cannot command the 60 required votes.

Well, you would think, then, that when the Republicans are saying, "Well, we don't want to eliminate the legislative filibuster, but we do want to re-enthronize the Senate tradition that the filibuster is not used on circuit court judges," the first cheerleader would be the New York Times. Having labeled the filibuster "the tool of the sore loser," and saying that it is obstructionist, the New York Times ought to be cheering the idea that finally a majority is about to follow their advice offered in their editorial pages.

But, no, this is what the New York Times now says: "The Senate on the Brink." This is an editorial of March 6, 2005:

The White House's insistence on choosing only far-right judicial nominees—

There is the politics of personal destruction I was referring to earlier—"only far-right judicial nominees" has already damaged the federal courts. Now it threatens to do grave harm to the Senate. If Republicans fulfill their threat to overturn the historic role of the filibuster in order to ram the Bush administration's nominees through, they will be inviting all-out warfare and perhaps an effective shutdown of Congress.

Interesting what 10 years' time and a change of administrations can do. The filibuster that was "the tool of sore losers" suddenly has become "the historic role," even though they cannot point to a single case in history where the filibuster has been used to prevent an up-or-down vote on a circuit court nominee who made it to the floor.

How they can call that a "historic role" is something I will leave to the editorial writers of the New York Times.

I hope we will not see any more press releases attacking the President's nominees as "right-wing whackos,"

that we will not see any more radio ads attacking Senators who are examining this matter as being people of no faith, that we will stop the politics of personal destruction on both sides of this issue, and we will look at it in its historic pattern.

What we do or do not do on this issue will set the tone of where the Senate and future Presidents go for decades to come. The Republic survived for over 200 years without the minority of either party exercising its right to filibuster judges. I think we should be very careful about enshrining in tradition the rule that says it is time to change.

I yield the floor.

EXHIBIT 1

[From the New York Times, Jan. 1, 1995]

TIME TO RETIRE THE FILIBUSTER

The U.S. Senate likes to call itself the world's greatest deliberative body. The greatest obstructive body is more like it. In the last session of Congress, the Republican minority invoked an endless string of filibusters to frustrate the will of the majority. This relentless abuse of a time-honored Senate tradition so disgusted Senator Tom Harkin, a Democrat from Iowa, that he is now willing to forgo easy retribution and drastically limit the filibuster. Hooray for him.

For years Senate filibusters—when they weren't conjuring up romantic images of Jimmy Stewart as Mr. Smith, passing out from exhaustion on the Senate floor—consisted mainly of negative feats of endurance. Senator Sam Ervin once spoke for 22 hours straight. Outrage over these tactics and their ability to bring Senate business to a halt led to the current so-called two-track system, whereby a senator can hold up one piece of legislation while other business goes on as usual.

The two-track system has been nearly as obstructive as the old rules. Under those rules, if the Senate could not muster the 60 votes necessary to end debate and bring a bill to a vote, someone had to be willing to continue the debate, in person, on the floor. That is no longer required. Even if the 60 votes are not achieved, debate stops and the Senate proceeds with other business. The measure is simply put on hold until the next cloture vote. In this way a bill can be stymied at any number of points along its legislative journey.

One unpleasant and unforeseen consequence has been to make the filibuster easy to invoke and painless to pursue. Once a rarely used tactic reserved for issues on which senators held passionate convictions, the filibuster has become the tool of the sore loser, dooming any measure that cannot command the 60 required votes.

Mr. Harkin, along with Senator Joseph Lieberman, a Connecticut Democrat, now proposes to make such obstruction harder. Mr. Harkin says reasonably that there must come a point in the process where the majority rules. This may not sit well with some of his Democratic colleagues. They are now perfectly positioned to exact revenge by frustrating the Republican agenda as efficiently as Republicans frustrated Democrats in 1994.

Admirably, Mr. Harkin says he does not want to do that. He proposes to change the rules so that if a vote for cloture fails to attract the necessary 60 votes, the number of votes needed to close off debate would be reduced by three in each subsequent vote. By the time the measure came to a fourth vote—with votes occurring no more fre-

quently than every second day—cloture could be invoked with only a simple majority. Under the Harkin plan, minority members who feel passionately about a given measure could still hold it up, but not indefinitely.

Another set of reforms, more incremental but also useful, is proposed by George Mitchell, who is retiring as the Democratic majority leader. He wants to eat away at some of the more annoying kinds of brakes that can be applied to a measure along its legislative journey.

One example is the procedure for sending a measure to a conference committee with the House. Under current rules, unless the Senate consents unanimously to send a measure to conference, three separate motions can be required to move it along. This gives one senator the power to hold up a measure almost indefinitely. Mr. Mitchell would like to reduce the number of motions to one.

He would also like to limit the debate on a motion to two hours and count the time consumed by quorum calls against the debate time of a senator, thus encouraging senators to save their time for debating the substance of a measure rather than in obstruction. All of his suggestions seem reasonable, but his reforms would leave the filibuster essentially intact.

The Harkin plan, along with some of Mr. Mitchell's proposals, would go a long way toward making the Senate a more productive place to conduct the nation's business. Republicans surely dread the kind of obstructionism they themselves practiced during the last Congress. Now is the perfect moment for them to unite with likeminded Democrats to get rid of an archaic rule that frustrates democracy and serves no useful purpose.

[From the New York Times, March 6, 2005]

THE SENATE ON THE BRINK

The White House's insistence on choosing only far-right judicial nominees has already damaged the federal courts. Now it threatens to do grave harm to the Senate. If Republicans fulfill their threat to overturn the historic role of the filibuster in order to ram the Bush administration's nominees through, they will be inviting all-out warfare and perhaps an effective shutdown of Congress. The Republicans are claiming that 51 votes should be enough to win confirmation of the White House's judicial nominees. This flies in the face of Senate history. Republicans and Democrats should tone down their rhetoric, then sit down and negotiate.

President Bush likes to complain about the divisive atmosphere in Washington. But he has contributed to it mightily by choosing federal judges from the far right of the ideological spectrum. He started his second term with a particularly aggressive move: resubmitting seven nominees whom the Democrats blocked last year by filibuster.

The Senate has confirmed the vast majority of President Bush's choices. But Democrats have rightly balked at a handful. One of the seven renominated judges is William Myers, a former lobbyist for the mining and ranching industries who demonstrated at his hearing last week that he is an anti-environmental extremist who lacks the evenhandedness necessary to be a federal judge. Another is Janice Rogers Brown, who has disparaged the New Deal as "our socialist revolution."

To block the nominees, the Democrats' weapon of choice has been the filibuster, a time-honored Senate procedure that prevents a bare majority of senators from running roughshod. Republican leaders now claim that judicial nominees are entitled to

an up-or-down vote. This is rank hypocrisy. When the tables were turned, Republicans filibustered President Bill Clinton's choice for surgeon general, forcing him to choose another. And Bill Frist, the Senate majority leader, who now finds judicial filibusters so offensive, himself joined one against Richard Paez, a Clinton appeals court nominee.

Yet these very same Republicans are threatening to have Vice President Dick Cheney rule from the chair that a simple majority can confirm a judicial nominee rather than the 60 votes necessary to stop a filibuster. This is known as the "nuclear option" because in all likelihood it would blow up the Senate's operations. The Senate does much of its work by unanimous consent, which keeps things moving along and prevents ordinary day-to-day business from drowning in procedural votes. But if Republicans change the filibuster rules, Democrats could respond by ignoring the tradition of unanimous consent and making it difficult if not impossible to get anything done. Arlen Specter, the Pennsylvania Republican who is chairman of the Judiciary Committee, has warned that "the Senate will be in turmoil and the Judiciary Committee will be hell."

Despite his party's Senate majority, however, Mr. Frist may not have the votes to go nuclear. A sizable number of Republicans—including John McCain, Olympia Snowe, Susan Collins, Lincoln Chafee and John Warner—could break away. For them, the value of confirming a few extreme nominees may be outweighed by the lasting damage to the Senate. Besides, majorities are temporary, and they may want to filibuster one day.

There is one way to avert a showdown. The White House should meet with Senate leaders of both parties and come up with a list of nominees who will not be filibustered. This means that Mr. Bush—like Presidents Bill Clinton, Ronald Reagan and George H.W. Bush before him—would agree to submit nominees from the broad mainstream of legal thought, with a commitment to judging cases, not promoting a political agenda.

The Bush administration likes to call itself "conservative," but there is nothing conservative about endangering one of the great institutions of American democracy, the United States Senate, for the sake of an ideological crusade.

The ACTING PRESIDENT pro tempore. The Senator yields back.

The Senator from Vermont.

Mr. LEAHY. Mr. President, in light of the speech of my distinguished colleague from Utah, I have a few comments I think I will make about this issue.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

Mr. LEAHY. What is the parliamentary situation, Mr. President? Are we in morning business?

The ACTING PRESIDENT pro tempore. Morning business, with a 10-minute time limit.

Mr. LEAHY. Thank you.

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senator from Vermont be allowed to speak for more than 10 minutes. I certainly did. I want to be sure he has the same courtesy.

The ACTING PRESIDENT pro tempore. Is there objection?

Hearing none, it is so ordered.

RELIGIOUS MCCARTHYISM

Mr. LEAHY. Mr. President, I thank my friend from Utah for his usual cour-

tesy. After all, he has in his lineage a Senator. His father, as does he, served as a Senator. He knows, as did his father, the normal courtesies that make this place run so much more smoothly. So I appreciate it.

I spoke at the beginning of the week about the alarming rise of religious McCarthyism. I hoped that by drawing attention to this situation the majority leader and other Republican leaders would speak out against any campaign that improperly characterizes Senators as being "against people of faith." That demonizing of Senators and their motives has no place in this country, and absolutely none in debate among Senators. It is a slur. It is a smear. It is untrue. Every Senator, Republican and Democratic, knows it. The Republicans should denounce a campaign based on bigotry and demagoguery.

With rare exceptions, they have refused to do so. And even the majority leader will apparently act in support of such a campaign this weekend.

Mr. BENNETT. Mr. President, will the Senator yield for a question?

Mr. LEAHY. Mr. President, I will yield for one, but I would prefer—

Mr. BENNETT. It is only one.

I wonder if the Senator heard my denunciation of that kind of thing when I gave my speech?

Mr. LEAHY. I was about to refer to that. So I now do refer to the fact that the Senator from Utah said people should not be demonized as being against people of faith if they oppose somebody.

I appreciate it. It is the first time I have heard that said on his side of the aisle. Unfortunately, many others have been saying just the opposite. That is why I wish the majority leader would not act in support of such a campaign this weekend.

The upcoming telecast to incite congregants with the false charge that those who oppose judicial activists are anti-Christian or anti-faith is wrong. It is divisive and it is destructive. That Republican officials will lend support to that effort through their silence, rather than denounce it, is disturbing and disappointing. I appreciate the Senator from Utah, Mr. BENNETT, finally speaking out, or having a voice finally speak out from that side of the aisle denouncing it.

To divide the American people along religious lines is wrong. It has always been wrong. Smearing political opponents as anti-faith is despicable. Apparently, some will stop at nothing and stoop to any level. No scurrilous charge is too coarse; no baseless accusation is too outlandish. When a few of us had the honor of attending the funeral of Pope John Paul II in Rome as part of the official Senate delegation recently, guess what happened. Democrats, but not Republicans, were castigated for not being present in Washington. There were, of course, seven Republicans and seven Democrats. The same people who make these charges castigated the Democrats for being in Rome.

When we explain in public session the basis on which we have decided to oppose a nomination of somebody we believe does not merit a lifetime appointment to the Federal bench, the judicial activism we detail is ignored and we are smeared as anti this or anti that. So I thank the many religious leaders who have come forward this week to uphold America's great traditions of respecting faith, honoring faith, and ensuring that the constitutional prohibition against any religious test for public office be strictly observed.

Christian leaders from a variety of denominations, Muslim leaders, and Jewish leaders, have joined to reject these disgraceful efforts of a few partisans injecting religion into the discussion of judicial nominations. They have publicly denounced the efforts of the religious demagogues making slanderous charges in a win-at-all-costs bid to rile the passions and to further divide Americans one from another. I am grateful for the voices of these religious leaders. We need less division, not more. We need to work together more, not less. We need to unite, not divide.

I share the disappointment of the more than 400 religious leaders who have written to Majority Leader FRIST urging him to "repudiate those who misuse religion for political purposes and who impugn the faith of any who disagree with them."

All of us need to repudiate the message of divisiveness and religious manipulation.

The Reverend Dr. Weldon Gaddy, president of the Interfaith Alliance, recently wrote to Senator FRIST to warn against transforming "religion by baptizing it as a disciple of partisan politics."

Abraham Foxman, national director of the Anti-Defamation League, reminded Senator FRIST:

Religious liberty has flourished in our nation precisely because Americans have been steadfast in their commitment against sowing religious discord as a means to achieve political success.

My Irish and my Italian grandparents, like so many others, came to this country seeking a better life for their families, not just a better job but the freedoms that have always been so much a part of America's great attraction. But it has taken time and pain for us to realize as a nation that dream of religious freedom and tolerance.

I remember my parents talking about days I thought were long past, when Irish Catholics were greeted with signs that told them they need not apply for jobs. Italian Catholics were told that they and their religious ways were not wanted. That is what my grandparents experienced and my parents saw. The smears we are seeing today mock the pain and injustice that so many American Catholics endured. We have come too far to turn back to the darkness of intolerance.

Partisans these days are seeking to rekindle the flames of bigotry for

short-term political gain. That is more than just wrong, it is despicable. To raise the specter of religious intolerance in order to try to turn our strong, independent Federal courts into an arm of a political party is an outrage. It is shocking that some would cavalierly destroy the independence of our Federal courts and with it the best protection Americans have of our freedoms.

This tactical shift follows on the rhetorical attacks on judges over the past few weeks in which Federal judges were likened to the KKK and "the focus of evil." At an event attended by Members of Congress, we have heard calls for Stalinist solutions to problems; the Stalinist solution being, of course, if you have somebody you don't agree with, you kill them. Stalin said: No man, no problem.

We have heard the calls for mass impeachments. Last week the Senate Democratic leadership called upon the President and the Republican leadership of Congress to denounce the inflammatory statements against judges. This week I renew my call to all Senators—and in particular to my friends on the other side of the aisle, the Republicans—to denounce the religious McCarthyism that is again pervading this debate. I am sad to see so many Senators stay silent when they should disavow these abuses. Why Republicans do not heed the clarion call that our former colleague, Senator John Danforth, an Episcopalian priest, sounded a few weeks ago, I don't know.

The demagoguery and divisive politics being so cynically used by supporters of the President's most extreme judicial nominees needs to stop. These smears are lies and, like all lies, depend on the silence of others to live and to gain root. It is time for the silence to end. The Bush administration has to accept responsibility for the smear campaign. They have to end it. This kind of religious smear campaign doesn't just hurt Democrats, it hurts the whole country. It hurts Christians and it hurts 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. The beauty of the first amendment is we can practice any religion we wish or none if we wish. It is a fundamental guarantee of our Constitution. The Constitution's prohibition against a religious test in Article VI is consistent with that fundamental freedom.

All Americans should understand the Constitution is there to protect all of us. It is the protection of the Constitution that has allowed this country to evolve into a tolerant Nation. It was not always a tolerant Nation; it has evolved into one. But the Constitution has protected that evolution.

Those who would try to drag us back into religious intolerance for short-

term political gains subvert the Constitution and damage the country. There are those who say that we are against people of faith if we have opposed a handful of the President's nominees. By their false logic, the 205 judicial nominees nominated by President Bush whom Democratic Senators have helped to confirm would seem not to be people of faith, if that is our litmus test. Of course, that is as false and ridiculous on its face as are the slurs being insinuated against those who have opposed the few other nominees who have not been confirmed.

Those who hurl these false charges never mention that the same Senators they are slandering have supported hundreds of nominees who are people of faith. They never hesitate to stoke the flames of bigotry and to encourage their supporters to continue the smear in cyberspace or the pages of the newspapers or through direct mail or radio ads. Maybe this slander is the only thing that tests well in their political polls so that even though untrue, it is the one thing they can agree upon. Sort of the equivalent of the weapons of mass destruction, the justification for attacking Iraq: it turned out it wasn't true, but it was certainly convenient.

Not only must this bogus religious test end, but Senators should denounce the launching of the so-called nuclear option, the Republicans' precedent-shattering proposal to destroy the Senate in one stroke while shifting more power over the Senate to the White House, to destroy the kind of checks and balances the Senate has historically had.

I would like to keep the Senate safe and secure and in a "nuclear-free" zone. The partisan power play Senate Republicans are now likely to employ will undermine the checks and balances established by the Founders in the Constitution. One of the beauties of this country is we have always had checks and balances. That is how the most powerful Nation on Earth remains a democracy, and it does not have the temptation to become a dictatorship, something that none of us, Republicans or Democrats, would want.

If you remove the checks and balances so that you can nominate judges who will be basically an arm of one element of the Republican Party, then you have taken a giant leap toward an unfettered executive controlling all three branches of the Federal Government—a Republican-controlled House, Republican-controlled Senate, the Presidency, and now the Federal judiciary, the one part that should be above politics.

It will not only demean the Senate—a Senate I have been proud to serve in for 31 years—but it will destroy the comity on which it depends. It also will undermine the strong independent Federal judiciary that has protected the rights and liberties of all Americans against the overreaching of the political branches, whether the branch is

controlled by Democrats or by Republicans.

Our Senate Parliamentarian, who steps away from politics and simply tells us what the rules are, and the Congressional Research Service, the nonpartisan Congressional Research Service, have both said the so-called nuclear option would violate Senate precedent. I would ask my friends on the Republican side, do you really want to blatantly break the rules just for some short-term political gain? Do you really want to turn the Senate, this unique Chamber, into a place where the parliamentary equivalent of brute force is what prevails?

The recently constituted Iraqi National Assembly was elected in January. In April it acted pursuant to its governing law to select a presidency council by the required vote of two-thirds of the Assembly. It required two-thirds, a supermajority. That same governing law says it can only be amended by a three-quarters vote of the National Assembly. The use of the nuclear option in the Senate would be akin to the Iraqis in the majority political party of the Assembly saying they have decided to change the law to allow them to pick only members of their party for the government, and to do so by a simple majority vote.

That is certainly different than what our own President has praised it for in requiring that supermajority. They might feel justified in acting contrary to law because the Kurds and the Sunni were driving a hard bargain and because governing through consensus is not as easy as ruling unilaterally. Governing by consensus is not supposed to be. That is why our system of government is the world's example.

If Iraqi Shiites, Sunnis, and Kurds can cooperate in their new government to make democratic decisions, I would think it would be a lot easier for Republicans and Democrats to do so in the Senate. If the Iraqi law and Assembly can protect minority rights and participation, so can the rules in the Senate. That has been the defining characteristic of the Senate. It is one of the principal ways in which it was designed to be so distinct from the House of Representatives.

This week, the Senate debated an emergency supplemental appropriations bill to fund the war efforts in Iraq and Afghanistan. The justification for these billions of dollars being spent every single week—billions of dollars in American taxpayers' money—is that we are seeking to establish democracies.

How ironic that at the same time we are undertaking these efforts at great cost to so many American families, some are seeking to undermine the protection of minority rights and the checks and balances represented by the Senate through our own history.

This week the Secretary of State said in Moscow that "the centralization of the state power in the presidency at the expense of countervailing institutions like the Duma or an independent

judiciary is clearly very wrong.” Just as those developments undercut democracy in Russia, so, too, our American democracy is undercut by the concentration of power in the Executive, removing checks and balances and undermining the independence of the Federal judiciary. It is ironic given that the President and Secretary of State speak so eloquently about the fundamental requirements of a democratic society—and I applaud them for doing that. They do it when they meet with President Putin of Russia. At the same time, the Bush administration and Senate Republicans are intent to employ the nuclear option to consolidate power in this Presidency in this country.

The President has, in his own words, acknowledged that democracy relies on the sharing of power. I publicly applauded his inaugural speech when he talked about this issue. He acknowledged that democracy relies on the sharing of power, on checks and balances, on the independent court system, the protection of minority rights, and on safeguarding human rights and dignity. But the so-called nuclear option is in direct contradiction to maintaining those values and those components of our democracy.

Just as Abu Ghraib and other abuses make it more difficult for our country effectively to condemn torture and abuse when we speak to the rest of the world, the nuclear option used as a partisan effort to consolidate power in a single political party and institution would make all the lectures on democracy we give to leaders of other countries ring hollow.

I spoke to a group of Russian Parliamentarians—if I might tell a short story—who came to see me shortly after the Soviet Union collapsed. They wanted to talk about our Federal judiciary. Like other representatives I heard in other emerging democracies, they asked: “Is it true that the U.S. Government might be a party in a lawsuit, but then the Government could lose?”

I said: Absolutely right.

They said: You mean people would dare to sue the Government?

I said: It happens all the time. We have an independent judiciary. Yes, they could.

They said: Well, if the Government actually lost, don't you fire the judge?

I said: No, they are an independent judiciary.

I have argued cases on behalf of the Government where it might have been nice to fire the judge, but that is not the way we do things. It amazes people in other parts of the world. They are amazed that people have disagreed with their Government and could actually go to court, bring a challenge, and seek redress, even if it meant the Government would have to lose to get that redress.

Chief Justice Rehnquist is right to refer to our independent judiciary as the crown jewel of our democracy. It is

more than a crown jewel, it is a dazzling jewel, a light to the rest of the world, especially those parts of the world that want to become democratic nations.

Judicial fairness and independence is also essential if we are to maintain our freedoms. I would say to the majority leader of the other body, Mr. DELAY, and others, stop slamming the Federal judiciary. We don't have to agree with every one of their opinions. And we don't on either side. Let us respect their independence.

When the U.S. Supreme Court decided the Presidential election in 2000, I thought that the 5-to-4 majority—a very close majority, a one-vote majority—engaged in an incredible and overreaching act of judicial activism. But I went on the floor of the body and before the television cameras and I called for Americans to respect the opinion of the Court, even though I disagreed with it.

On the Judiciary Committee at the time, I attended the argument of *Bush v. Gore*, side by side with my Republican counterpart. We wanted to show the country that we had to get along and work together. Democrats didn't ask to impeach Justice Scalia when we wholeheartedly disagreed with his action. Instead we took to the floor of this body and the other body and to the airwaves and said the Supreme Court has spoken. We must uphold the decision of the Court.

Part of upholding the Constitution is upholding the independence of the third branch of Government. One political party or the other will control the Presidency, as they have for over 200 years. One party or the other will control Congress.

In my 30 years here, I have been in the majority several times and in the minority several times. These things go back and forth. No political party should control the judiciary. It has to be independent of all political parties. Think of it, that was the genius of the Founders of this country: one branch of Government, totally independent of the other, independent of political parties. That genius has protected our liberties and rights for well over 200 years. It is a genius of this country that will continue to protect us, unless we allow some to destroy it for short-term political gain. It would be a terrible diminution of our rights if we were to remove the independence of our Federal judiciary. We are liable to do something that no army that marched against us have ever been able to do to this most wonderful of democracies. If you take away the independence of our Federal judiciary, then our whole Constitutional fabric unravels. And that bright promise that brought my ancestors here from Italy and Ireland would be diminished—the bright promise that I hope continues for my children and grandchildren.

Mr. President, I have spoken long and I appreciate the courtesy of my colleague from Utah.

I close by asking unanimous consent that copies of letters sent by hundreds of religious leaders to Senator FRIST, the letter from the Interfaith Alliance to Senator FRIST, the statement by the National Council of Churches, the letter from the Anti-Defamation League to Senator FRIST, and a statement from Rabbi David Saperstein, Director of the Religious Action Center of Reform Judaism, be printed in the RECORD.

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

APRIL 21, 2005.

AMERICAN RELIGIOUS LEADERS AND SUPPORTERS OPPOSED TO “JUSTICE SUNDAY’S” MANIPULATION OF FAITH

Hon. BILL FRIST,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR FRIST: We write as religious leaders who cherish America's distinctive tradition of religious respect, tolerance, and pluralism.

We write as members of religious traditions that revere truth and are guided by prophetic calls to seek justice.

We are gravely disappointed that you have lent support to those who are trying to create confusion and sow division with false charges of religious discrimination and persecution. Good people can and do differ on policy questions like the filibuster. We emphatically reject claims that those who seek to uphold the country's traditions of checks and balances are forcing Christians to choose between their faith and public service.

It is simply not truthful to assert that supporting the filibuster amounts to an attack on people of faith. Most, perhaps all, of the 95% of the Bush nominees who have been approved, have been people of faith. They enjoyed support from both sides of the aisle.

As Senate Majority Leader, you have a responsibility to defend your colleagues on both sides of the aisle, public servants whom you know to be deeply religious people, from shameful and divisive accusations that they are attacking people of faith. You have a responsibility to defend the Nation from efforts utilizing deception and fear-mongering to manipulate Americans of faith. And, perhaps most importantly, as one of our Nation's highest elected officials, you have a responsibility to repudiate those who misuse religion for political purposes and who impugn the faith of any who disagree with them.

Your participation in the “Justice Sunday” event gives your personal stamp of approval and legitimizes an event built on inflammatory falsehoods. We urge you either to withdraw your participation in this event or, if you participate, to use that opportunity to repudiate the message of divisiveness and religious manipulation that is at the core of the gathering.

Sincerely,

Signed by 406 religious leaders.

APRIL 17, 2005.

Hon. WILLIAM FRIST,
Senate Majority Leader, U.S. Capitol, Wash-
ington, DC.

DEAR SENATOR FRIST: As President of The Interfaith Alliance, a national, grassroots organization with 150,000 members coming from over 75 different faith traditions, I write to you again about your interest in introducing to the United States Senate your so-called “nuclear option.” However, the focus of this open letter to you is the association being made between a person's political position on the nuclear option and the

legitimacy of that person's religion. Though my personal language to you does not reflect the precise manner in which each of our 150,000 members would speak to you, the crucial concern in my message to you represents a primal interest and resonates with the mindset of these diverse individuals in this inter-religious movement.

Senator Frist, I suppose it was bound to happen. Leaders of the religious right and politicians pushing a partisan agenda in the name of religion have so intermingled politics and religion that, now, even you, the leader of the United States Senate, appear unable to discern the difference between authentic faith and partisan politics. I can think of no other reason that you would address a group of people and even offer encouragement to people who have announced that opposition to the elimination of the filibuster signals antipathy toward religious faith, thus fostering a redefinition of religion that is blasphemy and a redefinition of democracy that is scary.

Politically-based judgments about faith are inappropriate at best, but, at worst, they raise suspicions about the motivations of those who make them. Do such politically-motivated judgments about religion come from people—political leaders or spiritual leaders—attempts to manipulate religion to advance their personal brand of politics? Regardless of the reason for the out-of-bounds judgment, the judgment does not work. Oh, to be sure, it may gain a person or a group an edge in political advantage, but it fails as a valid criterion for evaluating religion. A particular political posture never will be the standard by which to measure the authenticity of a religious conviction! Even the suggestion that a person's support or opposition to religious faith can be determined by that person's support or opposition to a political initiative called "the nuclear option" is derogatory of religion and an insult to democracy. I would think that you would want to disassociate yourself from such thought.

Though I personally disagree with your enthusiasm for eradicating the historic practice of the filibuster, viewing your efforts as a broadside to a democracy that values the rights of the minority whether in the Senate or in society as a whole, I never would pass judgment on the integrity of your religious faith because of your commitment to that political strategy.

Senator Frist, I grew up in the state that you represent. In a fundamentalist Baptist church in West Tennessee, I was taught the value of religious liberty—its value for Christianity and its value for government. The people in that congregation knew the sad history of a denial of rights to religious minorities prior to the passage of the First Amendment to the Constitution. With gratitude to God for that invaluable education, my conviction about the dangers of entangling religion and government (not faith and politics) has intensified across the years. Please understand that many of us are scared to death that we see a precious constitutional principle being dismantled in order for a few religious people who claim to speak for all religious people to have their religious views imposed on the entire population of the nation through the power of the United States government.

With a religious conscience as enflamed as the conscience of anybody in the religious right, I oppose the election of judges who will, in the name of religion, make decisions that politicize religion and blunt the vitality as well as compromise the integrity of the rich religious community in this nation. Must my religious conviction be attacked as "anti-faith" simply because I do not agree with you when you attempt to destroy a

democratic process that has been tried and true? If I feel that way as a person who is a member of your faith tradition, you only can imagine what people from other religious traditions and people within no religious tradition are feeling about such tactics and the implicit, if not explicit, endorsement of those tactics by you and other political leaders.

For you to use your prestigious Senate position to encourage ferocious attacks on the judiciary launched by the people to whom you plan to speak next Sunday and for you to condone their framing of partisan political posturing as an act of faith so that all who are opposed to their theocratic aggression are dubbed anti-religion are insults to the Senate, a blow to democracy, and a cause for great anxiety in the broader community committed to the historic values of democracy.

All of us should be clear in understanding that the most anti-faith initiatives in our nation right now are those that seek to transform religion by baptizing it as a disciple of partisan politics. A call for respect for balancing the three branches of government and for respecting minority voices in Congress even as in society is not a religious act, but it is a pervasively patriotic act on the part of people who feel like a few are trying to steal the nation from the many in the same way that they have tried to hijack religion and claim that only their voices represent people of faith.

Members of The Interfaith Alliance like me personally love this nation too much and appreciate the role of religion in the nation too much to allow a destructive entanglement of religion and politics to go without challenge. I urge you to reconsider your commitment to speak to a group on Sunday evening that seems to love the nation only when the leaders of the nation favor their particular religion and their preferences in politics. If you proceed with the speech, however, I urge you to make clear that neither your politics nor their politics, whether those two are the same or different, represent a religious position. Even though you will be speaking to people gathered in a church, we all know that you are doing politics and claiming a divine blessing depicted as exclusive to your position. Such an act has no place in a house of worship or, for that matter, in the repertoire or rhetoric of a statesman in this great, diverse nation.

Sincerely,

REV. DR. C. WELTON GADDY,
*President, The Interfaith Alliance Pastor of
Preaching and Worship, Northminster Baptist
Church, Monroe, Louisiana
Member of the Council of 100 Leaders, World
Economic Forum.*

DISAGREEING WITHOUT DEMONIZING

A partisan political campaign to change the Senate filibuster rules has taken a detour through church-state territory, and NCC General Secretary Bob Edgar has challenged the tactics as "dangerous and divisive" to the nation's religious and public life. In a statement issued Tuesday, Edgar says:

"We are surprised and grieved by a campaign launched this week by Family Research Council and Senate Majority Leader Bill Frist, who said that those who disagree with them on President Bush's judicial nominees are 'against people of faith.'

"This campaign, which they are calling 'Justice Sunday,' should properly be called 'Just-Us' Sunday. Their attempt to impose on the entire country a narrow, exclusivist, private view of truth is a dangerous, divisive tactic. It serves to further polarize our nation, and it disenfranchises and demonizes

good people of faith who hold political beliefs that differ from theirs.

"To brand any group of American citizens as 'anti-Christian' simply because they differ on political issues runs counter to the values of both faith and democracy. It is especially disheartening when that accusation is aimed at fellow Christians. The National Council of Churches encompasses more than 45 million believers across a broad spectrum of theology and politics who work together on issues important to our society. If they disagree with Senator Frist's political positions, are these 45 million Christians now considered 'anti-Christian'?"

"In the spirit of 1 Timothy 6:3-5, we urge Senator Frist and the Family Research Council to reconsider their plan. We will be praying for the Lord to minister to them and change their hearts so that they will not continue to take our nation down this destructive path."

APRIL 15, 2005.

Hon. BILL FRIST
*U.S. Senate,
Washington, DC.*

DEAR SENATOR FRIST: We are deeply troubled by reports that you will be participating in the upcoming telecast "Justice Sunday," scheduled for April 24, and we strongly urge you to reconsider lending support to that program. The heated debate regarding the status of the filibuster in the United States Senate is a quintessentially political contest, not a religious struggle. Nor should it be portrayed as such. Whatever one's views may be on this or any other issue, playing the "religious" card is as unacceptable as playing the "race" card.

The proposal to change the Senate's procedural rules draws both support and opposition from people of all faiths, as well as from citizens who do not ascribe to religious beliefs. "Justice Sunday's" message—that the filibuster is being used as a weapon in the judicial confirmation process to discriminate against "people of faith"—is deeply flawed and a dangerous affront to fundamental principles of American democracy.

Religious liberty has flourished in our nation precisely because Americans have been steadfast in their commitment against sowing religious discord as means to achieve political success. History shows that doing otherwise promotes destructive religious competition, discrimination, and even persecution. Responsible leaders must avoid taking this country down that road.

Sincerely,

ABRAHAM H. FOXMAN,
National Director.

[From the Religious Action Center of Reform Judaism, April 15, 2005]

REFORM JEWISH MOVEMENT CALLS ON SENATOR FRIST TO REPUDIATE CLAIM THAT JUDICIAL NOMINEES ARE VICTIMS OF A "FILIBUSTER AGAINST FAITH"

WASHINGTON—In response to Senate Majority Leader Bill Frist's plan to join a telecast whose organizing theme is that those who oppose some of President Bush's judicial nominees are engaged in an assault on "people of faith," Rabbi David Saperstein, Director of the Religious Action Center of Reform Judaism, issued the following statement:

The news that Senate Majority Leader Bill Frist plans to join a telecast whose organizing theme is that those who oppose some of President Bush's judicial nominees are engaged in an assault on "people of faith" is more than troubling; it is disingenuous, dangerous, and demagogic. We call on him to reconsider his decision to appear on the telecast and to forcefully disassociate himself from this outrageous claim.

Senator Frist must not give legitimacy to those who claim they hold a monopoly on faith. They do not. They assert, in the words of Tony Perkins, president of the Family Research Council and organizer of the telecast, that there is a vast conspiracy by the courts "to rob us of our Christian heritage and our religious freedoms." There is no such conspiracy. They have been unable to ram through the most extreme of the President's nominees, and now they are spinning new claims out of thin air.

Alas, this is not an isolated incident. This past week, the Christian Coalition convened a conference in Washington entitled, "Confronting the Judicial War on Faith." Their special guest speaker was the House Majority Leader, Rep. Tom DeLay. When leaders of the Republican Party lend their imprimatur to such outrageous claims, including, at the conference, calls for mass impeachment of Federal Judges, it should be of deep concern to all who care about religion. It should also be of concern to President Bush whose silence, in the wake of the claims made both at the conference in Washington and in the upcoming telecast, is alarming.

The telecast is scheduled to take place on the second night of the Passover holiday, when Jews around the world gather together to celebrate our religious freedom. It was in part for exactly such freedom that we fled Egypt. It was in part for exactly such freedom that so many of us came to this great land. And it is in very large part because of exactly such freedom that we and our neighbors here have built a nation uniquely welcoming to people of faith—of all faiths. We believe Senator Frist knows these things as well. His association with the scheduled telecast is, in a word, shameful. We call upon him to disassociate himself from the claim that the Senate is participating in a filibuster against faith, and to withdraw his participation from April 24th event.

Mr. LEAHY. Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENNETT. 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.

90TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

Mr. LEVIN. Mr. President, today, as in previous years, I would like to honor the memory of the victims of the Armenian genocide. This year marks the 90th anniversary of the brutal campaign to eliminate Armenians from the Turkish Ottoman Empire.

April 24 was chosen as the day of remembrance because on that date in 1915, more than 5,000 Armenians including civic leaders, intellectuals, writers, priests, scientists, and doctors were systematically rounded up and murdered. The systematic and intentional killing continued until 1923, leaving nearly 1.5 million Armenians dead.

There are those who attempt to deny that this atrocity ever occurred. But

there is no denying the overwhelming historical record and eyewitness accounts that documented the appalling events of 1915–23, which occurred during the time of the Ottoman Empire. The United States Ambassador to the Ottoman Empire, Henry Morgenthau, stated at the time that "When the Turkish authorities gave the orders for these deportations, they were merely giving the death warrant to a whole race; they understood this well, and, in their conversations with me, they made no particular attempt to conceal the fact . . . I am confident that the whole history of the human race contains no such horrible episode as this."

The annual remembrance of the Armenian genocide is not a condemnation of our ally, the present day Republic of Turkey. But, our mutual interest with our NATO partner and our friendship with, and respect for, the Turkish people are not reasons to ignore historical fact. Nobel Laureate writer Elie Wiesel has said that the denial of genocide constitutes a "double killing" for it seeks to rewrite history by absolving the perpetrators of violence while ignoring the suffering of the victims.

During my time in the Senate, I have spoken about the Armenian Genocide many times. It is important that we take time to remember and honor the victims, and pay respect to the survivors who are still with us. In addition, we must reaffirm our commitment to ensuring that history is not repeated. This is the highest tribute we can pay to the victims of any genocide.

Mr. President, I urge my colleagues to honor the memory of the 1.5 million Armenian genocide victims by recognizing that there are still those in the world who will stop at nothing to perpetuate campaigns of hate, intolerance, and unthinkable violence. We must do all we can to stop atrocities, like those in the Darfur region of Sudan, from occurring as well as continue to provide adequate recovery aid to survivors. In doing so, we will truly honor the memory of genocide victims and fulfill our responsibilities as a world leader.

Mr. SARBANES. Mr. President, I rise to commemorate the 90th anniversary of the Armenian genocide, the first genocide of the 20th century. One and a half million men, women, and children lost their lives as a result of the violent massacres and extensive deportation carried out by the Ottoman Turkish rulers against their Armenian citizens. Today, as we remember the bravery and sacrifice of the Armenian people in the face of great suffering, we renew our commitment to protecting the fundamental rights and freedoms of all humanity.

Nine decades have passed since the terrible blows that befell the Armenian people in 1915. On April 24 of that year, more than 250 Armenian intellectuals and civic leaders in Constantinople were rounded up and killed, in what was the first step in a systematic plan to exterminate the Armenian popu-

lation in the Ottoman Empire. After the round-up, Armenian soldiers serving in the Ottoman army were segregated into labor battalions and brutally murdered. In towns and villages across Anatolia, Armenian leaders were arrested and killed. Finally, the remaining Armenian population, women, children, and the elderly, were driven from their homes and deported to the Syrian Desert.

In reality, "deportation" was merely a euphemism for death marches. Ottoman Turkish soldiers allowed brigands and released convicts to kill and rape the deportees at will; often the soldiers themselves participated in the attacks. Driven into the desert without food and water, weakened by the long march, hundreds of thousands of Armenians succumbed to starvation. In areas of Anatolia where deportation was not deemed practicable, other vicious actions were undertaken. In the towns along the Black Sea coast, for example, thousands of Armenians were packed on boats and drowned.

The efforts to annihilate the Armenian population were well documented in first-hand accounts, press reports, and other testimony. Henry Morgenthau, the U.S. Ambassador to Turkey at the time, personally made vigorous appeals to stop the genocide, calling it "a campaign of race extermination" and "the greatest horror in history". Leslie Davis, a U.S. diplomat stationed in eastern Anatolia, had a similar account, writing once to the State Department, "it has been no secret that the plan was to destroy the Armenian race as a race, but the methods used have been more cold-blooded and barbarous, if not more effective, than I had at first supposed." Even Germany, Ottoman Turkey's own ally, condemned the Turkish "acts of horror."

Despite the testimony from U.S. diplomats who were witness to the events and the abundance of credible, international evidence documenting the Armenian genocide, there are still those who refuse to acknowledge its occurrence. To anyone who doubts this brutal history, I would recommend a visit to the National Archives, where much of the evidence collected by our diplomats, along with survivors' accounts, are stored.

I do not deny that coming to terms with history is a difficult and painful process, as those who lived in South Africa and the countries of the former Soviet bloc can tell us. But the challenge of acceptance does not justify the distortion of truth. Falsifying history insults the memory of those who suffered and threatens our very understanding of justice and humanity.

We have a national interest in seeking that our foreign policy is grounded in the same principles on which this Nation was founded, a respect for the truth, the rule of law, and democratic institutions. Clearly, this was in part the administration's motivation for its recognition last fall of the genocide in Darfur. In his testimony before the

Foreign Relations Committee on September 9, Secretary Powell declared that "the evidence corroborates the specific intent of the perpetrators to destroy 'a group in whole or in part'." This begs the question: if Darfur, why not Armenia? Did the Ottomans not seek to destroy the Armenians to this same extent?

Although Americans of Armenian origin, many of whom came to this country fleeing persecution and looking to rebuild, make up a relatively small community among the multitudes that comprise our Nation, they have enriched our national life beyond proportion to their numbers, in the arts and sciences, in medicine, in business, and in the daily life of communities across the Nation. I support Americans of Armenian origin in calling for recognition of the genocide committed against their relatives 90 years and just a few generations ago. In recognizing this tragedy, we reinforce our commitment to building a world in which history will not repeat itself.

SENATOR GAYLORD NELSON AND EARTH DAY

Mr. KOHL. Mr. President, today I rise to recognize one of our most prominent Wisconsinites, Gaylord Nelson, the founder of Earth Day—and a man who was a driving force for the way the American people and the world view the environment and environmental conservation.

Gaylord Nelson was truly a pioneer who had the vision of starting a national day to protect and celebrate our environment when it was not politically popular. What started out as an idea in the early 1960s blossomed into a national day of observance with an estimated 20 million demonstrators participating in the first Earth Day in 1970. Today there will be an estimated 500 million people in 167 countries taking part in Earth Day.

All over the country, Americans heard about the dangers of lead in our water and air, pesticides in our drinking water, and chemicals in our soil. An informed public brought pressure on Congress and the President to act. The movement that started that first Earth Day led to the Clean Air Act, the Clean Water Act, the Resource Conservation and Recovery Act, and Superfund legislation. These are the foundation of our environmental law today, and they would not have been possible without the work and vision of Senator Gaylord Nelson.

Senator Nelson entered public service in 1948, after serving 4 years in the military during World War II. He served as a Wisconsin State senator, Governor, and then as a U.S. Senator for 18 years. As Governor, he was known for conservation efforts and preserving wetlands long before those causes became popular nationally. As a Senator, he built on his environmentalist reputation to further issues including the preservation of the Appa-

lachian Trail corridor and the creation of the national trail system.

Earth Day also reminds us that we need to work internationally. We need to engage developing economies like China, India, and Russia to head off major environmental disasters. We are not on this planet alone, and we can no longer pretend that environmental damage around the globe does not come back to haunt us. Senator Nelson understood that lesson almost 40 years ago, and he has been teaching it to the rest of us ever since.

The ideas of Gaylord Nelson are just as important today as they were 35 years ago. The progress that followed in the wake of the first Earth Day must not be forgotten. As a nation and as neighbors in the world we must continue to demand for higher accountability and higher environmental standards. Today is a reminder for all people to recommit themselves to environmental stewardship and to thank Gaylord Nelson for focusing us on how we impact the environment that sustains us—and the legacy we owe to the generations that follow us.

"GENTLEMAN" JIM JEFFORDS

Mr. LAUTENBERG. Mr. President, I rise to pay tribute to our friend and colleague from Vermont, JIM JEFFORDS, who announced on Wednesday that he will not seek re-election to a fourth term in the Senate in 2006.

If anyone has earned the right to retire from politics, it is JIM JEFFORDS. JIM began his public service in 1956, when he was just 22. He joined the Navy and served on active duty until 1959, when he entered Harvard Law School. He was elected to the Vermont State Senate in 1966, nearly 40 years ago. Two years later, he was elected State attorney general, and he served in that capacity until 1973.

He was elected to the United States House of Representatives in 1974. I think that was a testament to the respect and affection that Vermonters have for JIM. As my colleagues may recall, 1974 was a pretty tough year for Republicans to get elected.

JIM served in the House for 14 years, distinguishing himself on the Agriculture Committee and the Education and Labor Committee. He showed his fiercely independent streak in 1981 when he was the lone House Republican to vote against President Reagan's tax cuts that caused budget deficits to explode.

In 1988, JIM was elected to the Senate, replacing another esteemed Vermont Republican, former Senator Robert Stafford. In three terms in the Senate, JIM has chaired the Health, Education, Labor and Pensions Committee and the Environment and Public Works Committee.

It is customary for Members of Congress to focus on a few issues during their career. JIM is unusual because he has significant accomplishments in so many areas.

Over the course of his 30-year career in Congress, JIM has had an enormous impact on every education and job training bill, including the elementary and secondary education and the higher education reauthorization bills and the Individuals with Disabilities Education Act, IDEA; every farm bill; the Northeast Interstate Dairy Compact; and every environmental protection bill, including the landmark 1990 Clean Air Act amendments that established the "cap and trade" program for sulfur dioxide that has done so much to reduce acid rain in our part of the country. JIM has also been one of the staunchest and most effective advocates for the arts, humanities, libraries, and museums. And he has been a tireless champion of the women, infants and children, WIC, nutrition program.

Back home in his beloved Vermont, he is known as "Gentleman Jim." And he is a gentleman, one of the most decent and thoughtful Members ever to have served in the Senate.

Because he is so soft-spoken and moderate, people underestimate him. Or at least they did, until he decided that President Bush and the Republican majorities in Congress were taking our country in the wrong direction.

I know that leaving the Republican Party and becoming an Independent was one of the toughest decisions JIM has ever made. But he believed it was the right thing to do, so he did it, with his characteristic humility and without any rancor.

The Senate will be a poorer place without JIM JEFFORDS' expertise and civility. But as I said a moment ago, if anyone has earned the right to retire, it is JIM JEFFORDS.

I know he wants to get back to Vermont and help his wife Liz battle cancer. Liz lost her sister recently, and their son-in-law will be deployed to Iraq soon. So JIM and Liz and their family are especially in our thoughts and prayers right now.

We will miss JIM JEFFORDS, but history will mark his heroism and his enormous contribution to life in America. For that, we are eternally grateful.

ADDITIONAL STATEMENTS

RECOGNITION OF DARLEEN HORTON

• Mr. BUNNING. Mr. President, I speak today in honor of Darleen Horton, a teacher at Chenoweth Elementary in Louisville, KY. Ms. Horton was recently selected by President Bush to receive the Presidential Award for Excellence in Mathematics and Science Teaching. Ms. Horton was chosen based on her passion for her subjects and her dedication to her students.

The Presidential Award for Excellence in Mathematics and Science Teaching identifies outstanding mathematics and science teachers in all 50 States, the District of Columbia, Puerto Rico, the U.S. Territories and the

U.S. Department of Defense Schools. This year the awards focused on K-6th grade teachers. Each teacher receives \$10,000 and a trip to our Nation's Capital.

The requirements for this award are difficult to attain and demand a great deal of effort on the part of the teacher. It is only given to those teachers who embody excellence in teaching, demonstrate devotion to the students, and are able to uphold the high standards that exemplify American education at its finest. It recognizes the important contributions teachers make to American young people and to the promise of America's future.

I am very proud of this Kentucky teacher's accomplishments. Since she began teaching in 1958, she has been an inspiration to many students. In the news release concerning the Award, one of Ms. Horton's students was quoted as saying, "Teaching is the art of making learning irresistible." I have no doubt which teacher that student was talking about. I congratulate Ms. Horton on her ability to make learning irresistible and I thank her for the work she has done to educate the next generation of Americans. ●

CONGRATULATING THE AMERICAN LEGACY FOUNDATION ON RECEIVING THE EPA CHILDREN'S ENVIRONMENTAL HEALTH AWARD

● Mr. DURBIN. Mr. President. I congratulate the American Legacy Foundation on the occasion of yesterday's announcement by the U.S. Environmental Protection Agency that the Foundation is a recipient of the agency's Children's Environmental Health Award.

The widespread use of tobacco and devastating effects of secondhand smoke create a serious environmental health risk for America's children. Since its inception 5 years ago, the American Legacy Foundation, a nonprofit health organization dedicated to building a world where young people reject tobacco and anyone can quit, has worked to discourage adult and youth tobacco use and reduce the effects of secondhand smoke.

Passive exposure through secondhand smoke, or environmental tobacco smoke, puts children at risk for a range of negative health consequences including asthma, ear infections, bronchitis, pneumonia, reduced lung function, respiratory infection, and other chronic respiratory symptoms. According to current population survey data, 13.8 million kids ages 0 to 17 are exposed to secondhand smoke and 22 percent of middle school students and 24 percent of high school students are exposed to secondhand smoke in the home. American Legacy's campaigns and programs to reduce smoking are helping to reduce the number of young people breathing environmental tobacco smoke.

The Environmental Protection Agency is recognizing the Foundation be-

cause of its initiatives to address the negative health effects of tobacco. Outreach efforts include public awareness campaigns and initiatives designed to educate and empower youth to take action against the environmental health threat that smoking and secondhand smoke poses to them.

It is with great pleasure today that I commend the agency for its program of recognition and the American Legacy Foundation for its award. ●

RANDY WHITE: AN IDAHO HERO

● Mr. CRAPO. Mr. President, many times over the past few years that our military men and women have served in Iraq and Afghanistan, we have heard the accounts of combat, injury and death. Sometimes, we can lose sight of the fact that there are people here at home who put their lives on the line every day in the execution of their law enforcement duties. In September 2003, Randy White, a courageous police officer and 16-year veteran of the Minidoka County Sheriff's Office put his life on the line to protect innocent bystanders and fellow officers from injury and death. In the course of apprehending a fugitive from an Idaho bank robbery in Jackpot, NV, Randy sustained gunshots to his abdomen and legs, one of which was at point-blank range. He still suffers from these injuries, but returned to work very shortly following his harrowing experience and has not allowed the extent of his injuries to derail his work and activities.

Randy and his wife SunDee have four children, Jared, Jordan, Michelle and Dalen. Randy is active in the LDS church in Rupert, ID, serving as high priest group leader. He has devoted many years to the Boy Scouts, first serving as a Cub Scout Master for 10 years and then a Scout Master for 8. He now holds the position of Scout Committee Chairman. A third generation Idahoan, Randy spent 10 years on active duty with the Navy and 19 years in the Navy Reserves. His active duty time included a tour in Vietnam. Along with his devotion to his family and dedication to his job and community, he has retained his sense of humor, even in the recent trauma he experienced. He said this when asked about the shooting, "I spent two years in Vietnam and was shot at many times but never hit. I came back to sleepy Idaho and rural Nevada and got shot three times!" Randy is a courageous, hard-working father, husband and community leader. I wish him well as he continues his recovery, and congratulate him on his selection to be the new Rupert Chief of Police. Today, he is being awarded the FBI Shield of Bravery and Star Award in Rupert, ID. I am honored to recognize Randy's bravery and courage today in the United States Senate, as well as the bravery and courage of all other Americans in law enforcement across our country. Randy embodies the spirit of the great State of Idaho. We are all extremely fortu-

nate that individuals like this exceptional man we honor today protect our freedom here at home. ●

HONORING THE CAREER OF SECRETARY JAMES ELLENBECKER

● Mr. JOHNSON. Mr. President, it is with great honor that I recognize the leadership and many achievements of South Dakota Secretary of Social Services James Ellenbecker. Secretary Ellenbecker embodies the highest qualities of public service and has deservedly earned the respect and admiration of all those who have had the opportunity to work with him. After 35 years of public service, Secretary Ellenbecker is retiring as South Dakota's Secretary of Social Services, leaving behind an extraordinary legacy.

Secretary Ellenbecker began his career with the South Dakota government in 1970, and has since dedicated his life to serving the citizens of South Dakota. Working for the State Planning Agency and then the Department of Labor, he ultimately found himself in the Department of Social Services after providing then-Governor Bill Janklow with information he urgently needed late one Friday afternoon. Following their encounter, Governor Janklow appointed James Secretary of Social Services in 1980, a post he has held ever since.

During his 25 year tenure as secretary, under the leadership of four different governors, Secretary Ellenbecker played a vital role in enhancing South Dakota's Social Services infrastructure. As head of one of the largest and most complex agencies in the state, he promoted innovations which significantly enhanced its treatment of the elderly, children and single parent families. His influence on South Dakota's 1988 Elderly Initiative resulted in a responsive, efficient, and cost-effective long-term care system for the elderly, thus easing the burdens many families face both financially and emotionally. Under this new plan, more aged residents could live at home and maintain their independence.

Secretary Ellenbecker is also responsible for transforming South Dakota's welfare program. As a result of his vision and dedication, South Dakota has one of the most successful child support programs in the country. His strategy improved the lives of countless single parents by holding absent parents financially responsible for their children. Similarly, 67,000 uninsured children in South Dakota gained access to health care as a result of Secretary Ellenbecker's diligent management of South Dakota's medical services program.

I had the privilege of working with Secretary Ellenbecker during my years of service in the South Dakota Legislature. Throughout my years in Congress, when constituents contacted my office with issues involving the South Dakota Department of Social Services, I could always rely upon Secretary

Ellenbecker to provide a thorough review of the situation and supply a detailed response to my questions and the issues raised by the constituents. I appreciated his willingness to share insight into issues affecting his department and to coordinate briefings with my staff. Numerous South Dakotans and their families have benefited over the years from our working partnership, and I commend his tireless dedication to his agency and to the people of South Dakota.

I am honored to share Secretary Ellenbecker's accomplishments with my colleagues, and I publicly commend and thank him for his excellent service to South Dakota. I wish Jim the very best, along with his wife Kathy and their two children, Bradley and Ryon.●

MR. PAUL HEMMER

● Mr. BUNNING. Mr. President, I pay tribute and congratulate Mr. Paul Hemmer of Northern Kentucky, who was recently honored with one of the "Movers and Shakers" awards for the Greater Cincinnati area. Mr. Hemmer's life accomplishments and dedication to the Commonwealth of Kentucky have given me reason to be proud.

Following his graduation from Saint Xavier High School, Mr. Hemmer entered the University of Cincinnati where he later earned his Bachelor of Science in Civil Engineering. He has held a variety of positions within the construction industry including general contracting, development, design/build and plan/spec with experience in the industrial, institutional, commercial, and residential fields. His is currently retired as the chairman of Paul Hemmer Companies.

Throughout his life, Mr. Hemmer has always been active in civic affairs in Northern Kentucky. He has been an integral part of his community serving as director for the Northern Kentucky Chamber of Commerce, a trustee for Thomas More College, a trustee for the Literacy Network of Greater Cincinnati, and the United Way chairman for Northern Kentucky.

The "Movers and Shakers" award of Northern Kentucky is an annual award presented to honor those within the Greater Cincinnati region who stand as an example for all. It is presented by the Kentucky Enquirer, the Sales and Marketing Council of Northern Kentucky, The Home Builders Association of Northern Kentucky and The Kentucky Post.

As a Senator from Kentucky, I appreciate the devotion Mr. Hemmer has shown over the years to the citizens of Kentucky. I commend his efforts and hope his example of dedication and hard work will serve as an inspiration to the entire State. ●

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 870. A bill to prohibit energy market manipulation.

S. 871. A bill to amend title 10, United States Code, to ensure that the strength of the Armed Forces and the protections and benefits for members of the Armed Forces and their families are adequate for keeping the commitment of the people of the United States to support their servicemembers, and for other purposes.

S. 872. A bill to amend the Internal Revenue Code of 1986 to provide for the taxation of income of controlled foreign corporations attributable to imported property.

S. 873. A bill to amend title XVIII of the Social Security Act to deliver a meaningful benefit and lower prescription drug prices under the Medicare program.

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

S. 874. A bill to establish a national health program administered by the Office of Personnel Management to offer health benefits plans to individuals who are not Federal employees, and for other purposes.

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. SARBANES (for himself, Mr. ALEXANDER, Mr. AKAKA, Mrs. BOXER, Mr. CORZINE, Mr. DODD, Mrs. FEINSTEIN, Mr. KENNEDY, Mr. LAUTENBERG, Mr. LEVIN, Mr. SALAZAR, Mr. SCHUMER, Ms. STABENOW, and Mr. WYDEN):

S. 890. A bill to provide for alternative transportation in certain federally owned or managed areas that are open to the general public; to the Committee on Energy and Natural Resources.

By Mr. HAGEL:

S. 891. A bill to extend the water service contract for the Ainsworth Unit, Sandhills Division, Pick-Sloan Missouri Basin Program, Nebraska; to the Committee on Energy and Natural Resources.

By Mr. NELSON of Florida:

S. 892. A bill to designate the facility of the United States Postal Service located at 321 Montgomery Road in Altamonte Springs, Florida, as the "Arthur Stacey Mastrapa Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

ADDITIONAL COSPONSORS

S. 420

At the request of Mr. KYL, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 420, a bill to make the repeal of the estate tax permanent.

S. 577

At the request of Ms. COLLINS, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 577, a bill to promote health care coverage for individuals participating in legal recreational activities or legal transportation activities.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SARBANES (for himself, Mr. ALEXANDER, Mr. AKAKA,

Mrs. BOXER, Mr. CORZINE, Mr. DODD, Mrs. FEINSTEIN, Mr. KENNEDY, Mr. LAUTENBERG, Mr. LEVIN, Mr. SALAZAR, Mr. SCHUMER, Ms. STABENOW, and Mr. WYDEN):

S. 890. A bill to provide for alternative transportation in certain federally owned or managed areas that are open to the general public; to the Committee on Energy and Natural Resources.

Mr. SARBANES. Mr. President, today is Earth Day, founded 35 years ago to celebrate our natural world and encourage efforts to protect its future. As part of that effort, I am introducing today legislation similar to measures I have introduced in previous Congresses that will help protect our Nation's natural resources and improve the visitor experience in our national parks and other public lands. The Transit in Parks Act, or TRIP, establishes a new Federal transit grant initiative to support the development of alternative transportation services for our national parks, wildlife refuges, Federal recreational areas, and other public lands. I am pleased to be joined by Senators ALEXANDER, AKAKA, BOXER, CORZINE, DODD, FEINSTEIN, KENNEDY, LAUTENBERG, LEVIN, SALAZAR, SCHUMER, STABENOW, and WYDEN, who are cosponsors of this legislation.

Over the last several years, both the Administration and the Congress have demonstrated support for transit in the parks by including either the TRIP Act or a similar initiative in their proposals for the reauthorization of the Transportation Equity Act for the 21st Century. In fact, the Transit in Parks program was included in the reauthorization bill that passed the Senate by an overwhelming vote during the last Congress. Unfortunately, that legislation was not completed by the House-Senate conference committee before the end of the Congress, and will have to be taken up anew during the current session.

It is in this context that I want to underscore again today some of the principal arguments I have made in past years as to why this legislation is urgently needed. Every year, millions of visitors head to our national parks to enjoy the incredible natural heritage with which our Nation was endowed. But too many of them will spend hours looking for parking, or staring at the bumper of the car in front of them.

Clearly, the world has changed significantly since the national parks first opened in the second half of the nineteenth century, when visitors arrived by stagecoach along dirt roads. At that time, travel through parklands, such as Yosemite or Yellowstone, was long, difficult, and costly. Not many people could afford or endure such a trip. The introduction of the automobile gave every American greater mobility and freedom, which included the freedom to travel and see some of our Nation's great natural

wonders. Early in this century, landscape architects from the National Park Service and highway engineers from the U.S. Bureau of Public Roads collaborated to produce many feats of road engineering that opened the national park lands to millions of Americans.

Yet greater mobility and easier access now threaten the very environments that the National Park Service is mandated to protect. The ongoing tension between preservation and access has always been a challenge for our national park system. Today, record numbers of visitors and cars have resulted in increasing damage to our parks. The Grand Canyon alone has more than 4 million visitors a year. As many as 6,100 vehicles enter the South Rim area in a single summer day. They compete for 1,392 spaces in the Village area. About 150 commercial tour buses enter the South Rim on a typically busy day. During the peak summer season, the entrance route becomes a giant parking lot.

In 1975, the total number of visitors to America's national parks was 190 million. By 2003, that number had risen to 266 million annual visitors—almost equal to one visit by every man, woman, and child in this country. This dramatic increase in visitation has created an overwhelming demand on these areas, resulting in severe traffic congestion, visitor restrictions, and in some instances vacationers being shut out of the parks altogether. The environmental damage at the Grand Canyon is visible at many other parks: Yosemite, which has more than 3 million visitors a year; Yellowstone, which has almost 3 million visitors a year and experiences such severe traffic congestion that access has to be restricted; Acadia; Bryce; Zion and many others. We need to solve these problems now or risk permanent harm to our Nation's natural, cultural, and historical heritage.

Visitor access to the parks is vital not only to the parks themselves, but to the economic health of their gateway communities. For example, visitors to Yosemite infuse upwards of \$300 million a year into the local economy, which supports almost 9,000 jobs. At Yellowstone, tourists spend more than \$200 million annually, which supports more than 6,000 jobs in the park and in adjacent communities. If the parks are forced to close their gates to visitors due to congestion, the economic vitality of the surrounding region would be jeopardized.

The challenge for park management has always been twofold: to conserve and protect the Nation's natural, historical, and cultural resources, while at the same time ensuring visitor access and enjoyment of these sensitive environments. Until now, the principal transportation systems that the Federal Government has developed to provide access into our national parks are roads, primarily for private automobile access. The TRIP legislation recognizes

that we need to do more than simply build roads; we must invest in alternative transportation solutions before our national parks are damaged beyond repair.

In developing solutions to the parks' transportation needs, this legislation builds upon a 1997 Memorandum of Understanding between Secretary of Transportation Rodney Slater and Secretary of the Interior Bruce Babbitt, in which the two Departments agreed to work together to address transportation and resource management needs in and around national parks. The findings in the MOU are especially revealing: Congestion in and approaching many National Parks is causing lengthy traffic delays and backups that substantially detract from the visitor experience. Visitors find that many of the National Parks contain significant noise and air pollution, and traffic congestion similar to that found on the city streets they left behind.

In many National Park units, the capacity of parking facilities at interpretive or scenic areas is well below demand. As a result, visitors park along roadsides, damaging park resources and subjecting people to hazardous safety conditions as they walk near busy roads to access visitor use areas.

On occasion, National Park units must close their gates during high visitation periods and turn away the public because the existing infrastructure and transportation systems are at, or beyond, the capacity for which they were designed.

In addition, the TRIP legislation is designed to implement the recommendations from a comprehensive study of alternative transportation needs in public lands that I was able to include in the Transportation Equity Act for the 21st Century, TEA-21, as section 3039. The Federal Lands Alternative Transportation Systems Study confirmed what those of us who have visited our national parks already know: there is a significant and well-documented need for alternative transportation solutions in the national parks to prevent lasting damage to these incomparable natural treasures.

The study examined over 200 sites, and identified needs for alternative transportation services at two-thirds of those sites. The study found that implementation of such services can help achieve a number of desirable outcomes: "Relieve traffic congestion and parking shortages; enhance visitor mobility and accessibility; preserve sensitive natural, cultural, and historic resources; provide improved interpretation, education and visitor information services; reduce pollution; and improve economic development opportunities for gateway communities."

In fact, the study concluded that "the provision of transit in federally-managed lands can have national economic implications as well as significant economic benefits for local areas surrounding the sites." The study determined that funding transit needs

would support thousands of jobs around the country, while also providing a direct benefit to the economy of gateway communities by "expand[ing] the number of visits to the site and expand[ing] the amount of visitor spending in the surrounding communities."

The study identified "lack of a dedicated funding source for developing, implementing, and operating and maintaining transit systems" as a key barrier to implementation of alternative transportation in and around federally-managed lands. The Transit in Parks Act will go far toward helping parks and their gateway communities overcome this barrier. This new Federal transit grant program will provide funding to the Federal land management agencies that manage the 388 sites within the National Park System, the National Wildlife Refuges, Federal recreational areas, and other public lands, including National Forest System lands, and to their State and local partners.

The bill's objectives are to develop new and expanded transit services throughout the national parks and other public lands to conserve and protect fragile natural, cultural, and historical resources and wildlife habitats, to prevent or mitigate adverse impact on those resources and habitats, and to reduce pollution and congestion, while at the same time facilitating appropriate visitor access and improving the visitor experience. The program will provide capital funds for transit projects, including rail or clean fuel bus projects, joint development activities, pedestrian and bike paths, or park waterway access, within or adjacent to national parks and other public lands. The Secretary of Transportation may make funds available for operations as well. The bill authorizes \$90 million for this new program for each of the fiscal years 2005 through 2010, consistent with the level of need identified in the study. It is anticipated that other resources—both public and private—will be available to augment these amounts.

The bill formalizes the cooperative arrangement outlined in the 1997 MOU between the Secretary of Transportation and the Secretary of the Interior to exchange technical assistance and to develop procedures relating to the planning, selection, and funding of transit projects in national park lands. The bill further provides funds for planning, research, and technical assistance that can supplement other financial resources available to the Federal land management agencies. The projects eligible for funding would be developed through the transportation planning process and prioritized for funding by the Secretary of the Interior in consultation and cooperation with the Secretary of Transportation. It is anticipated that the Secretary of the Interior would select projects that are diverse in location and size. While major national parks such as the Grand Canyon or Yellowstone are

clearly appropriate candidates for significant transit projects under this bill, there are numerous small urban and rural Federal park lands that can benefit enormously from small projects, such as bike paths or improved connections with an urban or regional public transit system. No single project will receive more than 12 percent of the total amount available in any given year. This ensures a diversity of projects selected for assistance.

In addition, I firmly believe that this program will create new opportunities for the Federal land management agencies to partner with local transit agencies in gateway communities adjacent to the parks, both through the TEA-21 planning process and in developing integrated transportation systems. This will spur new economic development within these communities, as they develop transportation centers for park visitors to connect to transit links into the national parks and other public lands.

The ongoing tension between preservation and access has always been a challenge for the National Park Service. Today, that challenge has new dimensions, with overcrowding, pollution, congestion, and resource degradation increasing at many of our national parks. This legislation—the Transit in Parks Act—will give our Federal land management agencies important new tools to improve both preservation and access. Just as we have found in metropolitan areas, transit is essential to moving large numbers of people in our national parks—quickly, efficiently, at low cost, and without adverse impact. At the same time, transit can enhance the economic development potential of our gateway communities.

As we begin a new millennium, I cannot think of a more worthy endeavor to help our environment and preserve our national parks, wildlife refuges, and Federal recreational areas than by encouraging alternative transportation in these areas.

The Transit in Parks program is strongly supported by the National Parks Conservation Association, American Public Transportation Association, Natural Resources Defense Council, Community Transportation Association, America Bikes, Friends of the Earth, Amalgamated Transit Union, Surface Transportation Policy Project, and others, and I ask unanimous consent that the bill, a section-by-section analysis, and letters of support be printed in the RECORD.

I believe that we have a clear choice before us: we can turn paradise into a parking lot or we can invest in alternatives. As we celebrate the 35th anniversary of Earth Day, I urge my colleagues to support the Transit in Parks Act to ensure that our Nation's natural treasures will be preserved for many generations to come.

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

S. 890

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 “Transit in Parks Act” or the “TRIP Act”.

SEC. 2. FEDERAL LAND TRANSIT PROGRAM.

(a) IN GENERAL.—Chapter 53 of title 49, United States Code, is amended by inserting after section 5315 the following:

“§ 5316. Federal land transit program

“(a) FINDINGS AND PURPOSES.—

“(1) FINDINGS.—Congress finds that—

“(A) section 3039 of the Transportation Equity Act for the 21st Century (23 U.S.C. 138 note; Public Law 105-178) required a comprehensive study, to be conducted by the Secretary of Transportation, in coordination with the Secretary of the Interior, of alternative transportation needs in national parks and related public lands in order to—

“(i) identify the transportation strategies that improve the management of national parks and related public lands;

“(ii) identify national parks and related public lands that have existing and potential problems of adverse impact, high congestion, and pollution, or that can otherwise benefit from alternative transportation modes;

“(iii) assess the feasibility of alternative transportation modes; and

“(iv) identify and estimate the costs of those alternative transportation modes;

“(B) the study found that many federally-managed sites are experiencing very high visitation levels that are continuing to increase and that there are significant transit needs at many of these sites;

“(C) the study concluded that implementing transit on federally-managed land can help—

“(i) relieve traffic congestion and parking shortages;

“(ii) enhance visitor mobility and accessibility;

“(iii) preserve sensitive natural, cultural, and historic resources;

“(iv) provide improved interpretation, education, and visitor information services;

“(v) reduce pollution; and

“(vi) improve economic development opportunities for gateway communities;

“(D) the Department of Transportation can assist the Federal land management agencies through financial support and technical assistance and further the achievement of national goals described in subparagraph (C);

“(E) immediate financial and technical assistance by the Department of Transportation, working with Federal land management agencies and State and local governmental authorities to develop efficient and coordinated alternative transportation systems within and in the vicinity of eligible areas, is essential to—

“(i) protect and conserve natural, historical, and cultural resources;

“(ii) prevent or mitigate adverse impacts on those resources;

“(iii) relieve congestion;

“(iv) minimize transportation fuel consumption;

“(v) reduce pollution (including noise pollution and visual pollution); and

“(vi) enhance visitor mobility, accessibility, and the visitor experience; and

“(F) it is in the interest of the United States to encourage and promote the development of transportation systems for the betterment of eligible areas to meet the goals described in clauses (i) through (vi) of subparagraph (E).

“(2) PURPOSES.—The purposes of this section are—

“(A) to develop a cooperative relationship between the Secretary of Transportation and

the Secretary of the Interior to carry out this section;

“(B) to encourage the planning and establishment of alternative transportation systems and nonmotorized transportation systems needed within and in the vicinity of eligible areas, located in both urban and rural areas, that—

“(i) enhance resource protection;

“(ii) prevent or mitigate adverse impacts on those resources;

“(iii) improve visitor mobility, accessibility, and the visitor experience;

“(iv) reduce pollution and congestion;

“(v) conserve energy; and

“(vi) increase coordination with gateway communities;

“(C) to assist Federal land management agencies and State and local governmental authorities in financing areawide alternative transportation systems and nonmotorized transportation systems to be operated by public or private alternative transportation providers, as determined by local and regional needs, and to encourage public-private partnerships; and

“(D) to assist in research concerning, and development of, improved alternative transportation equipment, facilities, techniques, and methods with the cooperation of public and private companies and other entities engaged in the provision of alternative transportation service.

“(b) DEFINITIONS.—In this section:

“(1) ALTERNATIVE TRANSPORTATION.—

“(A) IN GENERAL.—The term ‘alternative transportation’ means transportation by bus, rail, or any other publicly or privately owned conveyance that provides to the public general or special service on a regular basis.

“(B) INCLUSIONS.—The term ‘alternative transportation’ includes sightseeing service.

“(2) ELIGIBLE AREA.—

“(A) IN GENERAL.—The term ‘eligible area’ means any Federally owned or managed park, refuge, or recreational area that is open to the general public.

“(B) INCLUSIONS.—The term ‘eligible area’ includes—

“(i) a unit of the National Park System;

“(ii) a unit of the National Wildlife Refuge System; and

“(iii) a recreational area managed by the Bureau of Land Management.

“(3) FEDERAL LAND MANAGEMENT AGENCY.—The term ‘Federal land management agency’ means a Federal agency that manages an eligible area.

“(4) QUALIFIED PARTICIPANT.—The term ‘qualified participant’ means—

“(A) a Federal land management agency; or

“(B) a State or local governmental authority with jurisdiction over land in the vicinity of an eligible area acting with the consent of the Federal land management agency, alone or in partnership with a Federal land management agency or other governmental or nongovernmental participant.

“(5) QUALIFIED PROJECT.—The term ‘qualified project’ means a planning or capital project in or in the vicinity of an eligible area that—

“(A) is an activity described in section 5302(a)(1), 5303(g), or 5309(a)(1)(A);

“(B) involves—

“(i) the purchase of rolling stock that incorporates clean fuel technology or the replacement of buses of a type in use on the date of enactment of this section with clean fuel vehicles; or

“(ii) the deployment of alternative transportation vehicles that introduce innovative technologies or methods;

“(C) relates to the capital costs of coordinating the Federal land management agency

alternative transportation systems with other alternative transportation systems;

“(D) provides a nonmotorized transportation system (including the provision of facilities for pedestrians, bicycles, and nonmotorized watercraft);

“(E) provides waterborne access within or in the vicinity of an eligible area, as appropriate to and consistent with the purposes described in subsection (a)(2); or

“(F) is any other alternative transportation project that—

“(i) enhances the environment;

“(ii) prevents or mitigates an adverse impact on a natural resource;

“(iii) improves Federal land management agency resource management;

“(iv) improves visitor mobility and accessibility and the visitor experience;

“(v) reduces congestion and pollution (including noise pollution and visual pollution); and

“(vi) conserves a natural, historical, or cultural resource (excluding rehabilitation or restoration of a nontransportation facility).

“(6) SECRETARY.—The term ‘Secretary’ means the Secretary of Transportation.

“(C) FEDERAL AGENCY COOPERATIVE ARRANGEMENTS.—The Secretary shall develop cooperative arrangements with the Secretary of the Interior that provide for—

“(1) technical assistance in alternative transportation;

“(2) interagency and multidisciplinary teams to develop Federal land management agency alternative transportation policy, procedures, and coordination; and

“(3) the development of procedures and criteria relating to the planning, selection, and funding of qualified projects and the implementation and oversight of the program of projects in accordance with this section.

“(d) TYPES OF ASSISTANCE.—

“(1) IN GENERAL.—The Secretary may enter into a contract, grant, cooperative agreement, interagency agreement, intra-agency agreement, or other agreement to carry out a qualified project under this section.

“(2) OTHER USES.—A grant, cooperative agreement, interagency agreement, intra-agency agreement, or other agreement for a qualified project under this section shall be available to finance the leasing of equipment and facilities for use in alternative transportation, subject to any regulation that the Secretary may prescribe limiting the grant or agreement to leasing arrangements that are more cost-effective than purchase or construction.

“(e) LIMITATION ON USE OF AVAILABLE AMOUNTS.—

“(1) IN GENERAL.—The Secretary may allocate not more than 5 percent of the amount made available for a fiscal year under section 5338(j) for use by the Secretary in carrying out planning, research, and technical assistance under this section, including the development of technology appropriate for use in a qualified project.

“(2) AMOUNTS FOR PLANNING, RESEARCH, AND TECHNICAL ASSISTANCE.—Amounts made available under this subsection are in addition to amounts otherwise available for planning, research, and technical assistance under this title or any other provision of law.

“(3) AMOUNTS FOR QUALIFIED PROJECTS.—No qualified project shall receive more than 12 percent of the total amount made available under section 5338(j) for any fiscal year.

“(4) OPERATIONS.—To the extent the Secretary determines appropriate, the Secretary may make grants under this section to finance the operating cost of equipment and facilities for use in a qualified project.

“(f) PLANNING PROCESS.—In undertaking a qualified project under this section—

“(1) if the qualified participant is a Federal land management agency—

“(A) the Secretary, in cooperation with the Secretary of the Interior, shall develop transportation planning procedures that are consistent with—

“(i) the metropolitan planning provisions under sections 5303 through 5305;

“(ii) the statewide planning provisions under section 135 of title 23; and

“(iii) the public participation requirements under section 5307(c); and

“(B) in the case of a qualified project that is at a unit of the National Park system, the planning process shall be consistent with the general management plans of the unit of the National Park system; and

“(2) if the qualified participant is a State or local governmental authority, or more than 1 State or local governmental authority in more than 1 State, the qualified participant shall—

“(A) comply with sections 5303 through 5305;

“(B) comply with the statewide planning provisions under section 135 of title 23;

“(C) comply with the public participation requirements under section 5307(c); and

“(D) consult with the appropriate Federal land management agency during the planning process.

“(g) COST SHARING.—

“(1) DEPARTMENTAL SHARE.—The Secretary, in cooperation with the Secretary of the Interior, shall establish the share of assistance to be provided under this section to a qualified participant.

“(2) CONSIDERATIONS.—In establishing the departmental share of the net project cost of a qualified project, the Secretary shall consider—

“(A) visitation levels and the revenue derived from user fees in the eligible area in which the qualified project is carried out;

“(B) the extent to which the qualified participant coordinates with a public or private alternative transportation authority;

“(C) private investment in the qualified project, including the provision of contract services, joint development activities, and the use of innovative financing mechanisms;

“(D) the clear and direct benefit to the qualified participant; and

“(E) any other matters that the Secretary considers appropriate to carry out this section.

“(3) NONDEPARTMENTAL SHARE.—Notwithstanding any other provision of law, Federal funds appropriated to any Federal land management agency may be counted toward the nondepartmental share of the cost of a qualified project.

“(h) SELECTION OF QUALIFIED PROJECTS.—

“(1) IN GENERAL.—The Secretary of the Interior, after consultation with and in cooperation with the Secretary, shall determine the final selection and funding of an annual program of qualified projects in accordance with this section.

“(2) CONSIDERATIONS.—In determining whether to include a project in the annual program of qualified projects, the Secretary of the Interior shall consider—

“(A) the justification for the qualified project, including the extent to which the qualified project would conserve resources, prevent or mitigate adverse impact, and enhance the environment;

“(B) the location of the qualified project, to ensure that the selected qualified projects—

“(i) are geographically diverse nationwide; and

“(ii) include qualified projects in eligible areas located in both urban areas and rural areas;

“(C) the size of the qualified project, to ensure that there is a balanced distribution;

“(D) the historical and cultural significance of a qualified project;

“(E) safety;

“(F) the extent to which the qualified project would—

“(i) enhance livable communities;

“(ii) reduce pollution (including noise pollution, air pollution, and visual pollution);

“(iii) reduce congestion; and

“(iv) improve the mobility of people in the most efficient manner; and

“(G) any other matters that the Secretary considers appropriate to carry out this section, including—

“(i) visitation levels;

“(ii) the use of innovative financing or joint development strategies; and

“(iii) coordination with gateway communities.

“(i) QUALIFIED PROJECTS CARRIED OUT IN ADVANCE.—

“(1) IN GENERAL.—When a qualified participant carries out any part of a qualified project without assistance under this section in accordance with all applicable procedures and requirements, the Secretary may pay the departmental share of the net project cost of a qualified project if—

“(A) the qualified participant applies for the payment;

“(B) the Secretary approves the payment; and

“(C) before carrying out that part of the qualified project, the Secretary approves the plans and specifications in the same manner as plans and specifications are approved for other projects assisted under this section.

“(2) INTEREST.—

“(A) IN GENERAL.—The cost of carrying out part of a qualified project under paragraph (1) includes the amount of interest earned and payable on bonds issued by a State or local governmental authority, to the extent that proceeds of the bond are expended in carrying out that part.

“(B) LIMITATION.—The rate of interest under this paragraph may not exceed the most favorable rate reasonably available for the qualified project at the time of borrowing.

“(C) CERTIFICATION.—The qualified participant shall certify, in a manner satisfactory to the Secretary, that the qualified participant has exercised reasonable diligence in seeking the most favorable interest rate.

“(j) FULL FUNDING AGREEMENT; PROJECT MANAGEMENT PLAN.—If the amount of assistance anticipated to be required for a qualified project under this section is more than \$25,000,000—

“(1) the qualified project shall, to the extent that the Secretary considers appropriate, be carried out through a full funding agreement in accordance with section 5309(g); and

“(2) the qualified participant shall prepare a project management plan in accordance with section 5327(a).

“(k) RELATIONSHIP TO OTHER LAWS.—Qualified participants shall be subject to—

“(1) the requirements of section 5333;

“(2) to the extent that the Secretary determines to be appropriate, requirements consistent with those under subsections (d) and (i) of section 5307; and

“(3) any other terms, conditions, requirements, and provisions that the Secretary determines to be appropriate to carry out this section, including requirements for the distribution of proceeds on disposition of real property and equipment resulting from a qualified project assisted under this section.

“(l) INNOVATIVE FINANCING.—A qualified project assisted under this section shall be eligible for funding through a State Infrastructure Bank or other innovative financing mechanism otherwise available to finance an eligible project under this chapter.

“(m) ASSET MANAGEMENT.—The Secretary may transfer the interest of the Department of Transportation in, and control over, all facilities and equipment acquired under this section to a qualified participant for use and disposition in accordance with any property management regulations that the Secretary determines to be appropriate.

“(n) COORDINATION OF RESEARCH AND DEPLOYMENT OF NEW TECHNOLOGIES.—

“(1) IN GENERAL.—The Secretary, in cooperation with the Secretary of the Interior, may undertake, or make grants or contracts (including agreements with departments, agencies, and instrumentalities of the Federal Government) or other agreements for research, development, and deployment of new technologies in eligible areas that will—

“(A) conserve resources;

“(B) prevent or mitigate adverse environmental impact;

“(C) improve visitor mobility, accessibility, and enjoyment; and

“(D) reduce pollution (including noise pollution and visual pollution).

“(2) ACCESS TO INFORMATION.—The Secretary may request and receive appropriate information from any source.

“(3) FUNDING.—Grants and contracts under paragraph (1) shall be awarded from amounts allocated under subsection (e)(1).

“(o) REPORT.—

“(1) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior, shall annually submit to the Committee on Transportation and Infrastructure of the House of Representatives and to the Committee on Banking, Housing, and Urban Affairs of the Senate a report on the allocation of amounts to be made available to assist qualified projects under this section.

“(2) ANNUAL AND SUPPLEMENTAL REPORTS.—A report required under paragraph (1) shall be included in the report submitted under section 5309(p).”.

(b) AUTHORIZATIONS.—Section 5338 of title 49, United States Code, is amended by adding at the end the following:

“(j) SECTION 5316.—

“(1) IN GENERAL.—There is authorized to be appropriated to carry out section 5316 \$90,000,000 for each of fiscal years 2005 through 2010.

“(2) AVAILABILITY.—Amounts made available under this subsection for any fiscal year shall remain available for obligation until the last day of the third fiscal year commencing after the last day of the fiscal year for which the amounts were initially made available under this subsection.”.

(c) CONFORMING AMENDMENTS.—

(1) TABLE OF SECTIONS.—The table of sections for chapter 53 of title 49, United States Code, is amended by inserting after the item relating to section 5315 the following:

“5316. Federal land transit program.”.

(2) PROJECT MANAGEMENT OVERSIGHT.—Section 5327(c) of title 49, United States Code, is amended in the first sentence—

(A) by striking “or 5311” and inserting “5311, or 5316”; and

(B) by striking “5311, or” and inserting “5311, 5316, or”.

(d) TECHNICAL AMENDMENTS.—Chapter 53 of title 49, United States Code, is amended—

(1) in section 5309—

(A) by redesignating subsection (p) as subsection (q); and

(B) by redesignating the second subsection designated as subsection (o) (as added by section 3009(i) of the Federal Transit Act of 1998 (112 Stat. 356)) as subsection (p);

(2) in section 5328(a)(4), by striking “5309(o)(1)” and inserting “5309(p)(1)”; and

(3) in section 5337, by redesignating the second subsection designated as subsection (e) (as added by section 3028(b) of the Federal

Transit Act of 1998 (112 Stat. 367)) as subsection (f).

TRANSIT IN PARKS ACT SECTION-BY-SECTION

Section 1. Short title

The Transit in Parks (TRIP) Act.

Section 2. In general

Amends Federal transit laws by adding new section 5316, “Federal Land Transit Program.”

Section 3. Findings and purposes

The purpose of this Act is to promote the planning and establishment of alternative transportation systems within, and in the vicinity of, the national parks and other public lands to protect and conserve natural, historical, and cultural resources, mitigate adverse impact on those resources, relieve congestion, minimize transportation fuel consumption, reduce pollution, and enhance visitor mobility and accessibility and the visitor experience. The Act responds to the need for alternative transportation systems in the national parks and other public lands identified in the study conducted by the Department of Transportation pursuant to section 3039 of TEA-21, by establishing Federal assistance to finance alternative transportation projects within and in the vicinity of the national parks and other public lands, to increase coordination with gateway communities, to encourage public-private partnerships, and to assist in the research and deployment of improved alternative transportation equipment and methods.

Section 4. Definitions

This section defines eligible projects and eligible participants in the program. A “qualified participant” is a Federal land management agency, or a State or local governmental authority acting with the consent of a Federal land management agency. A “qualified project” is a planning or capital alternative transportation project, including rail projects, clean fuel vehicles, joint development activities, pedestrian and bike paths, waterborne access, or projects that otherwise better protect the eligible areas and increase visitor mobility and accessibility. “Eligible areas” are lands managed by the National Park Service, the U.S. Fish and Wildlife Service, and the Bureau of Land Management, as well as any other Federally-owned or -managed park, refuge, or recreational area that is open to the general public. Qualified projects may be located either within eligible areas or in gateway communities in the vicinity of eligible areas.

Section 5. Federal agency cooperative arrangements

This section implements the 1997 Memorandum of Understanding between the Departments of Transportation and the Interior for the exchange of technical assistance in alternative transportation, the development of alternative transportation policy and coordination, and the establishment of criteria for planning, selection, and funding of projects under this section.

Section 6. Types of assistance

This section gives the Secretary of Transportation authority to provide Federal assistance through grants, cooperative agreements, inter- or intra-agency agreements, or other agreements, including leasing under certain conditions, for a qualified project under this section.

Section 7. Limitation on use of available amounts

This section specifies that the Secretary may not use more than 5% of the amounts available under this section for planning, research, and technical assistance; these amounts can be supplemented from other

sources. This section also gives the Secretary discretion to make grants to pay for operating expenses. In addition, to ensure a broad distribution of funds, no project can receive more than 12% of the total amount available under this section in any given year.

Section 8. Planning process

This section requires the Secretaries of Transportation and the Interior to cooperatively develop a planning process consistent with TEA-21 for qualified participants which are Federal land management agencies. If the qualified participant is a State or local governmental authority, the qualified participant shall comply with the TEA-21 planning process and consult with the appropriate Federal land management agency during the planning process.

Section 9. Department's share of the costs

This section requires that in determining the Department's share of the project costs, the Secretary of Transportation, in cooperation with the Secretary of the Interior, must consider certain factors, including visitation levels and user fee revenues, coordination in project development with a public or private transit provider, private investment, and whether there is a clear and direct financial benefit to the qualified participant. The intent is to establish criteria for a sliding scale of assistance, with a lower Departmental share for projects that can attract outside investment, and a higher Departmental share for projects that may not have access to such outside resources. In addition, this section specifies that funds from the Federal land management agencies can be counted toward the local share.

Section 10. Selection of qualified projects

This section provides that the Secretary of the Interior, in cooperation with the Secretary of Transportation, shall prioritize the qualified projects for funding in an annual program of projects, according to the following criteria: (1) Project justification, including the extent to which the project conserves resources, prevents or mitigates adverse impact, and enhances the environment; (2) project location to ensure geographic diversity and both rural and urban projects; (3) project size for a balanced distribution; (4) historical and cultural significance; (5) safety; (6) the extent to which the project would enhance livable communities, reduce pollution and congestion, and improve the mobility of people in the most efficient manner; and (7) any other considerations the Secretary deems appropriate, including visitation levels, the use of innovative financing or joint development strategies, and coordination with gateway communities.

Section 11. Undertaking projects in advance

This provision applies current transit law to this section, allowing projects to advance prior to receiving Federal funding, but allowing the advance activities to be counted toward the local share as long as certain conditions are met.

Section 12. Full funding agreement; Project management plan

This section provides that large projects require a project management plan, and shall be carried out through a full funding agreement to the extent the Secretary considers appropriate.

Section 13. Relationship to other laws

This provision applies certain transit laws to projects funded under this section, and permits the Secretary to apply any other terms or conditions he or she deems appropriate.

Section 14. Innovative financing

This section provides that a project assisted under this Act can also use funding

from a State Infrastructure Bank or other innovative financing mechanism that is available to fund other eligible transit projects.

Section 15. Asset management

This provision permits the Secretary of Transportation to transfer control over a transit asset acquired with Federal funds under this section to a qualified governmental participant in accordance with certain Federal property management rules.

Section 16. Coordination of research and deployment of new technologies

This provision allows the Secretary, in cooperation with the Secretary of the Interior, to enter into grants or other agreements for research and deployment of new technologies to meet the special needs of eligible areas under this Act.

Section 17. Report

This section requires the Secretary of Transportation to submit a report on projects funded under this section to the House Transportation and Infrastructure Committee and the Senate Banking, Housing, and Urban Affairs Committee, to be included in the Department's annual project report.

Section 18. Authorization

\$90,000,000 is authorized to be appropriated for the Secretary to carry out this program for each of the fiscal years 2005 through 2010.

Section 19. Conforming amendments

Conforming amendments to the transit title, including an amendment to allow 0.5% per year of the funds made available under this section to be used for project management oversight.

Section 20. Technical amendments

Technical corrections to the transit title in TEA-21.

APRIL 21, 2005.

Hon. PAUL SARBANES,
309 Hart Office Building,
Washington, DC.

DEAR SENATOR SARBANES: The undersigned organizations want to thank you for introducing the Transit in Parks Act that will enhance transit options for access to and within our public lands. We applaud your leadership and foresight in recognizing the critical role that mass transit can play in protecting our public lands and improving the visitor experience.

Visitation to America's public lands has skyrocketed during the past two decades. The national parks, for example, have seen their visitation increase from 190 million visitors in 1975 to approximately 277 million visitors last year. Increased public interest in these special places has placed substantial burdens on the very resources that draw people to these lands. As more and more individuals crowd into our public lands—typically by automobile—fragile habitat, endangered plants and animals, unique cultural treasures, and spectacular natural resources and vistas are being damaged from air and water pollution, noise intrusion, and inappropriate use.

As outlined in your legislation, the establishment of a program within the Department of Transportation dedicated to enhancing transit options in and adjacent to public lands will have a powerful, positive effect on the future ecological and cultural integrity of these areas. Your initiative will boost the role of alternative transportation solutions for many areas, particularly those most heavily impacted by visitation such as Yellowstone-Grand Teton, Yosemite, Grand Canyon, Acadia, and the Great Smoky Mountains national parks. For instance, development of transportation centers and auto

parking lots outside the parks, complemented by the use of buses, vans, or rail systems, and/or bicycle and pedestrian pathways would provide much more efficient means of handling the crush of visitation. The benefit of such systems has already been demonstrated in a number of parks such as Zion and Cape Cod.

Equally important, the legislation will provide an excellent opportunity for the NPS, BLM and FWS to enter into public/private partnerships with States, localities, and the private sector, providing a wider range of transportation options than exists today. These partnerships could leverage funds that the federal land managing agencies currently have great difficulty accessing.

Finally, we support the legislation because it addresses the critical lack of resources for maintaining and operating alternative transportation systems once they are established.

We wholeheartedly endorse your bill as a creative new mechanism to protect and enhance both the resources and visitor experiences associated with America's public lands.

We look forward to working with you to move this legislation to enactment.

Sincerely,

Thomas C. Kiernan, President, Nat'l Parks Conservation Association.

Steve Winkelman, Manager of Transportation, Center for Clean Air Policy.

David Hirsch, Program Director, Friends of the Earth.

John Thorner, Executive Director, Nat'l Recreation and Park Association.

Andy Clarke, President, America Bikes.

W. Kent Olson, President, Friends of Acadia.

Mele Williams, Director of Government Relations, League of American Bicyclists.

Anne P. Canby, President, Surface Transportation Policy Project.

AMERICAN PUBLIC TRANSPORTATION
ASSOCIATION,
Washington, DC,
APRIL 21, 2005.

Hon. PAUL S. SARBANES,

Ranking Member, Senate Committee on Banking, Housing, and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR SARBANES: Thank you for sharing with us a copy of the "Transit in Parks Act" (TRIP) which would amend federal transit law at Chapter 53, title 49 U.S.C. The Act would authorize federal assistance to certain federal projects and state and local entities to finance mass transportation projects generally for the purpose of addressing transportation congestion and mobility issues at national parks and other eligible areas. In addition, the legislation would encourage enhanced cooperation between the Departments of Transportation and Interior regarding joint efforts of those federal agencies to encourage the use of public transportation at national parks.

I am pleased to support your efforts to improve mobility in our national parks. Public transportation clearly has much to offer citizens who visit these national treasures, where congestion and pollution are significant—and growing—problems. Moreover, this legislation should broaden the base of support for public transportation, a key principle the American Public Transportation Association has been advocating for many years.

I applaud you for writing the legislation, and look forward to continuing to work with you and your staff. Please let us know what we can do to help your initiative!

Sincerely yours,

WILLIAM W. MILLAR,
President

Hon. PAUL SARBANES,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR SARBANES: On behalf of the more than 550,000 members of the Natural Resources Defense Council, I am writing to support your Transit in Parks Act. Many of our national parks are suffering from the impacts of too many automobiles: traffic congestion, air and water pollution, and disturbance of natural ecosystems resulting in both the degradation of natural and cultural resources and the visitor's experience. Providing dedicated funding for transit projects in our national parks, as your bill would do, is a priority solution to these problems in the National Park System.

It is essential in many parks to get visitors out of their automobiles by providing attractive and effective transit services to and within national parks. A sound practical transit system will improve the visitor's experience—making it more convenient and enjoyable for families and visitors of all ages. Better transit is critical to diversifying transportation choices and providing better access for the benefit of all park visitors. Air pollutants from automobiles driven by visitors can exacerbate respiratory health problems, damage vegetation, and contribute to haze that too often obliterates park vistas. And the more we get people into public transit and out of their individual cars, the more energy will be conserved. Lastly, a positive park transit experience will demonstrate to visitors that transit could serve them at home too, which should provide the indirect benefit of higher ridership on other transit systems, in short, this bill would help to reduce reliance on automobiles by authorizing the funding so our national parks can build and operate efficient and convenient transit systems.

With their great biodiversity and their recreational and educational value for all Americans, national parks make up some the nation's most valuable land. As driving increases in parks and on our roadways, it is crucial to find ways to use existing infrastructure more efficiently and to reduce the impacts of transportation on these vital and sensitive lands.

We commend and thank you for your dedication and leadership on this issue and more generally to the protection of our national parks. Please look to us to help you establish better public transit in our national parks.

Sincerely,

CHARLES M. CLUSEN,
Senior Policy Analyst.

AMALGAMATED TRANSIT UNION,
OFFICE OF THE INTERNATIONAL
PRESIDENT,

Washington, DC, April 12, 2005.

Hon. PAUL SARBANES,
Ranking Member, Senate Committee on Banking, Housing, and Urban Affairs, Hart Senate Office Building, Washington, DC.

DEAR SENATOR SARBANES: On behalf of the more than 180,000 members of the Amalgamated Transit Union (ATU), the largest labor organization representing mass transit, over-the-road, and school bus drivers in the United States and Canada, I am writing to express our strong support for the "Transit in Parks Act" (TRIP), which would provide increased funding for public transportation in national parks and other public lands. Without question, this legislation begins to address the major congestion and environmental issues that currently exist in U.S. National Parks from coast to coast.

Through the years, Federal transit programs have enabled public transportation providers to assist urban communities. to

significantly reduce congestion and improve air quality by investing in mass transit, either bus or rail. Like you, we believe that this can also be achieved in our national parks, which during peak months become the equivalent of American cities, inundated with hundreds of millions of visitors each year. Therefore, ATU supports the adoption of the Transit in Parks Act as part of TEA 21's reauthorization.

We would welcome the opportunity to discuss this and any other transit issues with you or your staff at any time. As always, thank you for your continuous support of the people who proudly provide public transportation services for millions of Americans each day, and for recognizing that mass transit can provide benefits beyond our cities and suburbs.

Sincerely,

WARREN S. GEORGE,
International President.

APRIL 21, 2005.

Hon. PAUL SARBANES,
Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR SARBANES: the Community Transportation Association continues to support your efforts to provide alternative transportation strategies in our national parks and other public lands. Our association's 7,500 members provide public and community transportation services in many of the smaller communities that border these national parks, monuments, and recreational areas, and our association has members actively involved in providing transportation services at several national parks.

All of us know the danger that congestion and increases in traffic pose for the future of these sites and locations. Your continued sponsorship of the Transit in Parks Act is an important step in helping ensure that America's natural beauty and historic treasures remain a continuous part of our nation's future. We have members throughout the country whose experiences support the principle that public transit investments in and near national parks and public lands can improve mobility, support the economic vitality of these parks' "gateway communities," and make dramatic improvements in the experiences of park visitors, employees, and community residents alike.

We appreciate your dedicated efforts and initiative in this regard, and look forward to helping you advance this important piece of legislation.

Sincerely,

DALE J. MARSICO, CCTM,
Executive Director.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. BENNETT. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities be authorized to meet during the session of the Senate on April 22, 2005, at 9:30 a.m., in open and closed session to receive testimony on U.S. Special Operations Command in review of the defense authorization request for fiscal year 2006.

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

TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS—MOTION TO PROCEED

CLOTURE MOTION

Mr. BENNETT. Mr. President, I now move to proceed to calendar No. 69, H.R. 3, the highway bill, and I send a cloture motion to the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 69, H.R. 3, a bill to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

Bill Frist, John Warner, Lindsey Graham, Craig Thomas, Mike DeWine, Richard Burr, Susan Collins, Johnny Isakson, James Inhofe, Gordon Smith, Pete Domenici, Thad Cochran, John Thune, Orrin Hatch, Chuck Grassley, David Vitter, Mitch McConnell.

Mr. BENNETT. Mr. President, I ask unanimous consent that the live quorum be waived and the vote occur at 11:45 a.m. on Tuesday, April 26.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MEASURES PLACED ON THE CALENDAR—S. 870, S. 871, S. 872, S. 873, AND S. 874

Mr. BENNETT. Mr. President, I understand there are five bills at the desk that are due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bills for a second time.

The assistant legislative clerk read as follows:

A bill (S. 870) to prohibit energy market manipulation.

A bill (S. 871) to amend title 10, United States Code, to ensure that the strength of the Armed Forces and the protections and benefits for members of the Armed Forces and their families are adequate for keeping the commitment of the people of the United States to support their servicemembers, and for other purposes.

A bill (S. 872) to amend the Internal Revenue Code of 1986 to provide for the taxation of income of controlled foreign corporations attributable to imported property.

A bill (S. 873) to amend title XVIII of the Social Security Act to deliver a meaningful benefit and lower prescription drug prices under the medicare program.

A bill (S. 874) to establish a national health program administered by the Office of Personnel Management to offer health benefits plans to individuals who are not Federal employees, and for other purposes.

Mr. BENNETT. Mr. President, in order to place the bills on the calendar

under provisions of rule XIV, I object to further proceeding.

The ACTING PRESIDENT pro tempore. Objection is heard. The bills will be placed on the calendar.

ORDERS FOR MONDAY, APRIL 25, 2005

Mr. BENNETT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 2 p.m. on Monday, April 25. I further ask that following the prayer and the 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 resume consideration of the motion to proceed to H.R. 3, the highway bill.

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

AUTHORITY TO FILE STATEMENTS UNTIL 12 P.M. NOON

Mr. BENNETT. I further ask unanimous consent that notwithstanding the adjournment of the Senate, Senators be permitted to submit statements for the RECORD until 12 p.m. noon today.

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

PROGRAM

Mr. BENNETT. Mr. President, on Monday, the Senate will resume the motion to proceed to the highway bill. There will be no rollcall votes on Monday but Senators are encouraged to come to the floor to make their statements with respect to the bill.

As a reminder, a few minutes ago, cloture was filed on the motion to proceed to the bill and that cloture vote will occur at 11:45 on Tuesday of next week. That will be the first rollcall vote of next week. Next week is the last week prior to the Senate recess and Senators should expect a busy week with votes as we make progress on the highway legislation.

ADJOURNMENT UNTIL 2 P.M., MONDAY, APRIL 25, 2005

Mr. BENNETT. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 11:05 a.m., adjourned until Monday, April 25, 2005, at 2 p.m.

EXTENSIONS OF REMARKS

IN SUPPORT OF TOM DeLAY

HON. TOM FEENEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. FEENEY. Mr. Speaker, as a former Speaker of the Florida House where the ethics process was never partisan, I have been saddened and disappointed at some of the wild ethics charges made by billionaire socialists and repeated by Democratic Members.

Let me say, there is no greater ethical sin by a Member, and no greater poison to our Congress, than to make false ethical charges against another Member for partisan gain.

The Democratic leadership has created a fog machine to attack TOM DELAY. They claim that the Democratic fog blown at the Leader is smoke; and insist that where there is smoke there must be a fire.

For three months Democratic leaders, while smearing our Leader, have instructed their 5 members of the Ethics Committee to kill the ethics process.

Yesterday, Chairman HASTINGS offered to hear allegations against the Leader. The Democratic attack machine refused, pandering to billionaire socialists who are organizing this attack not just on TOM DELAY, but the U.S. House itself.

Democrats realize their liberal agenda cannot give them a majority in this House. Realizing they cannot rule the U.S. House of Representatives, Democrats are determined to ruin it.

**RAY CHARLES POST OFFICE
BUILDING**

SPEECH OF

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 2005

Mr. RANGEL. Mr. Speaker, it greatly pleases me that Congress has decided to name the facility of the United States Postal Service located at 4960 West Washington Boulevard in Los Angeles, California after Ray Charles. He fully deserves this honor, and I congratulate Congresswoman DIANE WATSON for sponsoring this successful and appropriate legislation.

In a career that spanned more than 50 years, Ray Charles enjoyed immense fame in the U.S. and abroad. His music unified people, crossing all lines of nationality, race, age and class. His music was universal in appeal and style, from gospel to country and everything in between. Sightless, he uniquely opened the eyes of all people to appreciate the beauty and talent of others.

He saw no differences in the aspirations of all people for freedom and justice. He advocated with equal vigor on behalf of African Americans for civil rights, freedom for South Africans and security for the people of Israel.

In his own life, he overcame blindness, poverty, racial discrimination, and personal failures, including drug abuse, to become a beacon of hope for anyone faced with challenges of any kind.

Ray Charles deserves to have a post office named after him, and more. I have introduced legislation that would award him the Congressional Gold Medal for his lifetime of achievement and service to the world community. I hope Congress supports this legislation and continues to honor this great man.

**TRIBUTE TO UNIVERSITY OF
ILLINOIS AT URBANA-CHAMPAIGN**

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. JOHNSON of Illinois. Mr. Speaker, I rise today to pay tribute to the University of Illinois at Urbana-Champaign. Many people have recently seen and heard a lot of well deserved praise for the university's men's basketball team as Coach Bruce Weber guided the team to a record tying 37-2 record and place in the National Championship game. The season brought a great sense of pride to me, my staff, the university, the Urbana-Champaign community, and State as a whole. This praise was not only as a result of the great accomplishments of the team, but the manner in which the team went about achieving its goals. The players played with such heart and determination, all the while truly playing unselfishly as one cohesive unit, not as individual players. I would ask my colleagues to take this opportunity to congratulate and honor Coach Weber, his staff, and the young men who put on the uniforms and played the game the way it was meant to be played.

While many Americans may have first been exposed to the university during this special basketball season, I have had the distinct privilege to represent the university for almost 30 years; first as a State Representative and now as a Congressman from the 15th District of Illinois. I would therefore like to rise today to also pay tribute and bring recognition to the other highly successful athletic programs and the highly recognized and honored academics at the university.

Mr. Speaker, this year alone the university has been honored to be represented by the nationally ranked No. 2 men's tennis team, the No. 3 men's gymnastics team, the No. 6 men's wrestling team, the No. 14 women's soccer team, and the No. 20 women's cross country team. Let me take this time to honor and thank Coach Craig Tiley, Coach Yoshi Hayasaki, Coach Mark Johnson, Coach Janet Rayfield, Coach Karen Harvey, and all of the young men and women who have strived for greatness and brought a great deal of pride to me, my staff, the Urbana-Champaign community, and the university.

While these are all great accomplishments, without the same degree of success in the

academic realm, these feats would all be for naught. I am proud to say that the university, President B. Joseph White, Director of Athletics Ron Guenther, the faculty, the coaches, and the students at the University of Illinois have all made this one of the top academic institutions in the world and its graduates some of the most successful. In 2004 U.S. News & World Report ranked many undergraduate programs at Urbana-Champaign campus in their Top 10 in the country, including: accountancy, 1st, materials science, 1st, civil engineering, 2nd, computer engineering, 5th, real estate, 7th, and marketing, 10th. In 2003, the University of Illinois earned the distinction of being the only U.S. public university to have two of its faculty members, Anthony J. Leggett, physics, and Paul C. Lauterbur, medicine, win Nobel prizes in the same year. The list of distinguished alumni is far too long to include here, but it includes: CEO's, government officials, world class researchers, astronauts, and Pulitzer Prize winners, to name a just a few.

Mr. Speaker, I rise today to pay tribute to everyone who is involved in the University of Illinois and to thank them for their dedication, hard work, and vision to make the 15th Congressional District, the State of Illinois, the Nation, and the world as a whole a better place to live for all of us.

**PROVIDING FOR CONSIDERATION
OF H.R. 6, ENERGY POLICY ACT
OF 2005**

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 2005

Ms. JACKSON-LEE of Texas. Mr. Speaker, today I speak with mixed emotions, while passage of a comprehensive energy bill is important, there is still work to be done on the bill before us. Please do not misunderstand me, there are good aspects to the bill. For example, the bill provides for much needed advances in energy efficiency, renewable energy, and nuclear. While I understand the rationale behind a structured rule, it is unfortunate, that all the amendments offered could not be ruled in order. This would have allowed for much needed debate in our attempt to solve our Nation's energy crisis. In our efforts to pass a comprehensive bill, we must not overlook the importance of keeping dialogue open on all fronts.

I would like to take a moment to mention my essential amendments that were not ruled in order. My first amendment would have required that a report be submitted, every two years, to Congress by the Secretary of the Interior, in consultation with other appropriate Federal agencies, assessing the contents of natural gas and oil deposits at existing drilling sites off the coast of Louisiana and Texas. This amendment should have been ruled in

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

order because new supplies are vital to long-term economic stability and to current and future employment. Exploration of the Western Gulf of Mexico will permit access to one of our largest sources of oil.

Among other things my second amendment was designed to ensure that the large fluctuations in the price of transportation fuels will not continue to pose significant impediments to budget planning for consumers, businesses, and Federal, State and local governments. Despite the fact this amendment was not ruled in order, it is crucial that there be established a sense of the Congress that the Secretary of Energy, acting through the Administrator of the Energy Information Administration, should commence an immediate investigation on the causes of high gasoline prices in the United States and, in collaboration with the petroleum industry and the Congress, develop a solution to such prices.

Finally, my third amendment would have given Historically Black Colleges and Universities, HBCU, the opportunity to develop new and existing programs in the area of alternative energy technologies. In our Nation's effort to become more energy independent, it is critical that we allow for as much research and development as possible. African Americans have made outstanding contributions to the energy industry and I see no reason not to allow them to make even more contributions now.

Mr. Speaker, while I support many aspects of the bill, I oppose the rule.

CONGRATULATING MATHILDA
SHEPTAK ON 40 YEARS IN THE
TOURISM INDUSTRY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to join me in congratulating my good friend Mathilda Sheptak as she marks her 40th year in the tourism industry in Northeastern Pennsylvania.

Mathilda was born into the hospitality field. Her family ran a boarding house with a restaurant and gas station in Lakewood, New Jersey. Mathilda is the daughter of Louis and Catherine Barravecchia. Mathilda is married to Steve Sheptak, a retired IBM sales and marketing executive.

When Mathilda was eleven years old, her family bought the Overlook Inn in Canadensis. The tourism industry was the dominant business in the rural Poconos.

At this time, Pocono resorts were open from Memorial Day to Columbus Day. The family resort had 30 rooms and no liquor license. Guests were served three meals a day. Entertainment revolved around card games, cookouts, a pool table, and eventually, a swimming pool.

Mathilda thrived on meeting the guests and developing interpersonal relationships with the families who would return year after year. Mathilda grew up with the "resort brats"—the children of all the other resort owners. During the off-season, these families worked to improve their resorts and planned for the coming season.

Mathilda attended Pocono Mountain High School and was part of its first graduating class. She attended East Stroudsburg University and then worked at a corporation that manufactured products for IBM.

Mathilda joined the Pocono Mountain Vacation Bureau on February 1, 1965, as a secretary and subsequently moved up to office manager. She eventually took over the No. 2 spot at PMVB, and has been deputy executive director ever since. In this position, she is responsible for the budget, environmental planning, financing and statewide issues.

Forty years in tourism is a testament to Mathilda's love of the Pocono region. I am fortunate to have worked with such a dedicated individual in promoting the tourism industry.

Mr. Speaker, please join me in congratulating Mathilda Sheptak on this milestone and wishing her many more successful years. Tourism remains the area's largest industry and Mathilda is a big part of that legacy.

IN RECOGNITION OF QUINCY BOCK
FOR RECEIVING THE GOLD
AWARD FROM THE GIRL SCOUTS

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. CUNNINGHAM. Mr. Speaker, I rise today to pay tribute to my constituent Quincy Bock of Senior Troop #1107 as she receives the honor of a Gold Award from the Girl Scouts.

The Girl Scout Gold Award is the highest award that a Girl Scout may earn. It is not an honor given lightly. The young women who receive this award must demonstrate leadership skills, organizational skills, and sense of community and commitment. Quincy Bock exhibited all these skills with her Gold Award Project, a Resource for Refugees, for The Nile Sisters, a non-profit organization that helps refugee families become self-reliant through education and support.

Quincy successfully created three databases and produced two pieces of literature for The Nile Sisters to use in helping refugee families. The databases Quincy designed and the training she gave the organization will greatly increase the organization's efficiency. In addition, the pamphlet she created has already generated a number of donations and offers of assistance. Because of Quincy's direct contribution, The Nile Sisters will be able to better serve refugee families seeking a better life here in America.

I am proud to recognize Quincy Bock's achievements. She is a shining example of the promise of the next generation. She has already set what I hope is the foundation for a lifetime of active citizenship. I congratulate Quincy and her family on this momentous occasion.

INTRODUCTION OF RETIREMENT
SECURITY ACT OF 2005

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. PETRI. Mr. Speaker, today I am introducing the Retirement Security Act of 2005.

This bill addresses the financing problems facing the Social Security Trust Fund through the creation of Personal Social Security Investment Accounts for each newborn child. This plan would establish a mechanism for reducing the long term fiscal pressures facing Social Security without changing the current benefit structure or diverting payroll taxes from the Trust Fund.

My bill seeks to use the benefits of the private market to place Social Security on a sound financial footing, as do a number of other reform plans. But more than that, I seek to maximize the magic of compound interest by opening savings accounts for future retirees as soon as they are born. Under the Retirement Security Act, the Federal government would create a personal investment account for each newborn American child with an initial government contribution of \$1,000. The account would be invested in any of the funds available to Federal employees through the Thrift Savings Plan, and earnings would accrue tax free. Account holders, or the parents of minor account holders, would be free to make additional pre-tax contributions to these accounts and enjoy the opportunity to invest in these safe and well-managed investment accounts.

At retirement, each retiree would qualify for the same Social Security benefit as earned under the current Social Security system. Benefits would be paid first from each worker's personal account, and payments from the Trust Fund would begin only after the balance of the personal account had been depleted. Those who take advantage of the opportunity to make additional contributions may well find their balance in excess of the amount needed to fund their Social Security benefits, and these funds would belong to the individual investor. My bill provides a variety of options, including lump sum distributions and the purchase of life annuities with level or inflation-adjusted monthly payments for disposition of the surplus balance.

An initial contribution of \$1,000 invested today that grows at the average combined rate of return of the five Thrift Savings Plan investment options would grow to an inflation adjusted balance of \$58,000 by retirement at age 67. For purposes of comparison, this amount would be enough to purchase an annuity with a monthly payment equal to 46 percent of the today's average Social Security retirement benefit. A single matching payment of \$1,000 by a parent on the occasion of their child's birth would endow an account which would produce almost 100 percent of the average benefit and, perhaps just as important, give that child the gift of a lifelong savings vehicle which offers the potential of greater financial security in retirement than can be provided by Social Security alone.

Clearly, the focus of my legislation is long-term. Social Security's fiscal problems will begin to pinch long before children born today are ready to retire. By now, we're all familiar with the projections provided in the annual report of the Social Security Board of Trustees. The Trustees have forecast that our current Social Security surpluses will turn to deficits by 2017 and that the bonds collecting in the Social Security Trust Fund will be fully redeemed by 2041. At that time, it's anticipated that payroll taxes will be sufficient only to pay 74 percent of expected retirement benefits. Though my legislation would make no other

changes to Social Security, when combined with other reasonable reform ideas, it can provide a component of a comprehensive solution to Social Security's long and shorter-term financial problems.

We've reached an important moment in the life of the Social Security program. It's obvious that we need to bring more money into the system to keep the promises we've made and to allow us to continue to offer some measure of retirement security. Personal investment accounts are one way to bolster the system, yet they have become the object of too much criticism and much disinformation. Many of our constituents have become concerned that the diversion of payroll tax revenue into personal accounts of today's workers will threaten the benefits of current retirees. A campaign is being waged which fosters these fears and may prevent the adoption of even those personal accounts which have no impact on the Social Security Trust Fund.

My bill provides the opportunity for Congress to demonstrate that it can implement a system of personal accounts without diverting payroll taxes and that will build retirement savings for future generations without enriching stock brokers or introducing unacceptable investment risk to American workers. As the success of these personal accounts become apparent, growing numbers of Americans will have greater confidence in this avenue of reform, presenting opportunities to expand the use of personal accounts. The time has come for us to take this important step forward, and I encourage my colleagues to support this bill.

IN RECOGNITION OF LOUISIANA'S
256TH ARMY NATIONAL GUARD
AND SUPPORT FOR EFFORTS TO
ASSIST IRAQI CITIZENS

HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. BOUSTANY. Mr. Speaker, I rise today to recognize the work that members of our armed forces are doing in Iraq. Too often, the news from Iraq is of attacks from insurgents, the political difficulties of forming a new democracy and international political gamesmanship. I want to highlight one effort by our troops to befriend the Iraqi citizens and demonstrate our commitment to democracy and freedom.

Sgt. Martin Schulthess is a member of the 256th Battalion of the Army National Guard and he is a paramedic with Acadian Ambulance Service. In patrols through Iraq, he and his troops have been able to earn the trust and friendship of the Iraqi citizens. After suffering under Saddam Hussein, they are struggling to create a civil society without fear of torture, imprisonment or death. These Iraqis know American and coalition forces support their efforts to govern themselves. They support the elimination of terrorist insurgents and former Baath Party members who do not want to establish a new government.

Sgt. Schulthess attributes a measure of his success to the small gifts he distributes to Iraqi children. These small hand-outs help to build the trust of the Iraqi people and gain their assistance. The ability of Sgt. Schulthess and the 256th Battalion to build and maintain

these relationships has provided valuable intelligence to enhance the safety of our troops from Southwest Louisiana.

I am proud to represent Southwest Louisiana and the home of the 256th. I know the families and friends of these soldiers are ready for them to return home. Soldiers like Sgt. Schulthess set an example that all of Acadiana and Louisiana can be proud of. The kind of ingenuity, creativity, and initiative demonstrated by our troops will help to bring them home safely after planting the seeds of democracy in Iraq.

CONGRATULATIONS TO THE AMERICAN LEGACY FOUNDATION ON
WINNING THE UNITED STATES
ENVIRONMENTAL PROTECTION
AGENCY'S CHILDREN'S ENVIRONMENTAL
HEALTH EXCELLENCE
AWARD

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. MEEHAN. Mr. Speaker, I rise to congratulate the American Legacy Foundation for being selected as a final winner in the Environmental Protection Agency's Children's Environmental Health Awards.

The widespread use of tobacco and devastating effects of secondhand smoke contribute to a serious environmental health risk for America's children. Since its inception 5 years ago, the American Legacy Foundation, a non-profit health organization dedicated to building a world where young people reject tobacco and anyone can quit, has implemented several innovative outreach initiatives and programs to discourage adult and youth tobacco use and reduce the effects of secondhand smoke.

Passive exposure through secondhand smoke puts children at risk for a range of health consequences including asthma, ear infections, bronchitis, pneumonia, reduced lung function, respiratory infection, and other chronic respiratory symptoms. According to current population survey data, 13.8 million kids ages 0 to 17 are exposed to secondhand smoke and 22 percent of middle school students and 24 percent of high school students are exposed to secondhand smoke in the home.

The American Legacy Foundation has launched key initiatives to address the negative health effects of tobacco. The Foundation has designed public awareness campaigns and initiatives to educate and empower youth to take action against the environmental health threat from smoking and secondhand smoke.

Some of the Foundation's most successful programs include truth[®], the Youth Speakers Bureau, the Youth Advisory Panel and the Statewide Youth Movement Against Tobacco Use (Youth Empowerment) Grants.

Mr. Speaker, in closing, I encourage my colleagues to join with me to congratulate the American Legacy Foundation for their progress in successfully reducing youth smoking and for receiving the Environmental Protection Agency's Children's Environmental Health Award.

PERSONAL EXPLANATION

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. ANDREWS. Mr. Speaker, I regret that I missed nine votes on April 20th, 2005. The votes were on amendments to the Energy Policy Act of 2005 (H.R. 6). Had I been present I would have voted "yea" on rollcall 115, 116, 117, 118, 120, 121, 122, and 123. I would have voted "nay" on rollcall 119.

THE READING FAILURE
PREVENTION ACT OF 2005

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. CUMMINGS. Mr. Speaker, I rise today to introduce the Reading Failure Prevention Act of 2005. This bill would authorize the Secretary of Education to make grants to States to establish statewide screening programs for children who are 5 to 7 years of age to help prevent reading failure.

Reading failure is pervasive. Declining test scores in reading have been noted in many states. Just as troubling, according to the National Assessment of Educational Progress, 37 percent of our nation's 4th graders and 26 percent of 8th graders score below the basic reading level.

The Reading Failure Prevention Act of 2005 would help address this crisis by authorizing grants to States for screening incoming students for dyslexia or other reading failure traits. It also would provide adequate professional development for personnel who administer the screening programs. Dyslexia, often referred to as a language-based learning disability, is the most common form of learning disability.

Recently, approximately 15 percent to 20 percent of the population was reported to have a learning disability and the National Institutes of Health reported that 60 percent to 80 percent of those with learning disabilities have problems with reading and language skills. Predictions for the coming decades indicate that the number of children with learning disabilities will increase for associated social, economic, and educational reasons.

In spite of the fact that reading success in early grades is an essential basis for success in later grades, current methods of identifying children as learning disabled rely on a "wait and fail" model, where children must demonstrate severe academic problems before receiving help. The Reading Failure Prevention Act of 2005 would end this cycle by providing early screening so that appropriate intervention can begin immediately.

Because reading disorders, such as dyslexia, often affect oral language functioning, individuals with these disorders are at a disadvantage as they enter their adolescent years, when language becomes more central to their peer relationships.

If these students do not receive proper intervention, they can begin to experience academic failure and a host of social and emotional problems. However, when trained professionals catch learning disorders such as

dyslexia early, learning strategies and proper treatment can help them to succeed academically and to develop a positive self-image.

I firmly believe that this legislation represents a step in the right direction toward ensuring that our nation's children are adequately prepared for lifelong reading success. I urge my colleagues to join me in this effort by co-sponsoring the Reading Failure Prevention Act of 2005.

**FREEDOM FOR LUIS ENRIQUE
FERRER GARCÍA**

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Luis Enrique Ferrer García, a prisoner of conscience in totalitarian Cuba.

Mr. Ferrer García is a peaceful pro-democracy activist who desires to bring freedom, democracy, and human rights to Cuba. He is also a member of the Christian Liberation Movement. Because he believes that freedom is the birthright of every person, he has been repeatedly harassed and detained by the nightmare that is the Castro regime. According to Amnesty International, in December 1999 he was sentenced to 6 months "restricted freedom."

In March 2003, as part of Castro's heinous island wide crackdown on peaceful prodemocracy activists, Mr. Ferrer García was arrested by the dictatorship. In a sham trial he was sentenced to 28 years in the totalitarian gulag.

According to reports, Mr. Ferrer García was transferred to a "punishment cell" for having refused a military salute to a prison official. These punishment cells are the very depths of depravity. According to the Department of State's Country Reports on Human Rights Practices for 2004: "punishment cells," were located in the basement of a prison, with continuous semi dark conditions, no available water, and a hole for a toilet. Reading materials, including Bibles, were not allowed. . . . Prisoners in punishment cells had no access to lawyers."

Mr. Ferrer García was eventually released from this "punishment cell" because of a hunger strike carried out on his behalf. However, he is in constant danger of being returned to this version of hell within a gulag.

Mr. Luis Ferrer García is not the only member of his family sentenced to the totalitarian gulag. His brother, José Daniel Ferrer García been sentenced to 25 years in the gulag for his belief in freedom, democracy and basic human rights. These two brothers are brilliant examples of the heroism of the Cuban people. No matter how intense the repression, no matter how horrifically brutal the consequences of a dignified struggle for liberty, the totalitarian gulags are full of men and women of all backgrounds and ages who represent the best of the Cuban nation.

Mr. Speaker, it is as inconceivable as it is unacceptable that, while the world stands by in silence and acquiescence, these two brothers are systematically tortured because of their belief in freedom, democracy, human rights and the rule of law. My Colleagues, we must demand the immediate and unconditional

release of Luis Enrique Ferrer García, Jose Daniel Ferrer García and every political prisoner in totalitarian Cuba.

**HONORING COACH TERI MARIANI
OF THE PORTLAND STATE VIKINGS AS SHE COACHES HER
FINAL GAME**

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Ms. HOOLEY. Mr. Speaker, I rise today to recognize the long and successful career of Portland State University softball coach Teri Mariani, which will come to a close on Sunday, April 24, 2005, as she coaches her final games at PSU.

It's been a long time, but I remember Teri from her days as an outstanding student and a fine athlete when I had the privilege to coach her in high school at St. Mary's Academy in the late '60s and early '70s. Back then, without the opportunities afforded by Title IX that are available today, the chance for young women to compete at any level were limited.

Still, Teri managed to shine. I remember taking a team, including a then-sophomore Teri, to play basketball in the Portland Recreational League. Teri, always serious in the classroom, was just as driven to succeed on the court. But that's the sort of dedication to excellence that Teri maintained as during her years at Portland State.

Since the 1970s, Teri has been a fixture on the Portland State campus—first as a stellar three-sport student-athlete, then as an administrator and, since 1977, as coach of the softball team.

Teri will leave Portland State with the school record for the most victories in any sport, 631, and a winning record in 10 of her last 16 seasons. Ranked 15th overall among all Division II coaches with 646 wins, Coach Mariani also successfully led the Vikings during their transition to the Division I level in the 1998 season.

During her career, the Vikings went to the NCAA playoffs nine times, and placed nationally four times, with a best finish of third in the nation in 1991. For her accomplishments, Teri was inducted into the Portland Metropolitan Softball Association Hall of Fame in 1986 and the Oregon Sports Hall of Fame in 2003.

In addition to coaching softball, Teri has been Associate Athletic Director, Interim Athletic Director, and twice the department's Senior Woman Administrator. She has not only coached young women and helped them succeed on the field, but has been a mentor to them as they pursued their education. Hundreds of young women have had their lives impacted in a positive way by Teri Mariani, and while I am sad to see her long tenure as coach come to an end, her contributions to the sport and the university will be felt far into the future.

HONORING THE LIFE AND CONTRIBUTIONS OF MR. ERNEST R. MALER, SR.

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. BISHOP of New York. Mr. Speaker, I rise to honor and congratulate my neighbor and constituent Mr. Ernest Maler, Sr. on the occasion of his 100th birthday. Mr. Maler was born on April 24, 1905 and raised in East Patchogue, New York. The upcoming century milestone is a time to celebrate the numerous achievements of a great American.

Mr. Maler earned his Juris Doctor at New York University School of Law and returned to Long Island so that he could provide exemplary legal service to the people of his hometown. His passion for law is matched only by a love for his family and an affinity for the game of golf.

The 100th birthday is slowly becoming an attainable goal by many Americans as medical science, better living conditions, and more knowledge about fitness and health increase our life expectancy. Today more than 70,000 Americans are 100 years old, and that number is expected to grow dramatically during the next century.

Mr. Maler lived through the great depression, two world wars, and 18 presidential administrations. His first hand experiences are invaluable sources of wisdom and his life accomplishments are inspirational to all Americans. Mr. Speaker I appreciate the opportunity to honor such a noteworthy individual.

**REGARDING WASHINGTON STATE
TEACHER OF THE YEAR TAMARA
STEEN**

HON. DOC HASTINGS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. HASTINGS of Washington. Mr. Speaker, I wish to pay tribute to 2005 Washington State Teacher of the Year and one of four national finalists for 2005 Teacher of the Year—Ms. Tamara Steen.

Since 1963, Washington state has honored one outstanding classroom teacher each year who is then eligible for the national honor. I am extremely proud that out of over 2.8 million elementary and secondary teachers nationwide, Ms. Steen was recognized as one of four finalists for the national honor announced by President Bush.

Ms. Steen is an innovative and compassionate teacher who has taught in the small rural town of Mabton, Washington for over two decades. In her years of teaching she has motivated students to achieve a higher standard. Ms. Steen is a teacher who is willing to work hard for her students, and expects her students to work hard for her in return.

Ms. Steen currently teaches English at Mabton Junior/Senior High School where she uses innovative teaching strategies to actively engage her students in learning. Despite the many challenges she is faced with each day, Ms. Steen's enthusiasm for her profession and her devotion to her students continues to grow.

In a society where teachers do not always receive the appreciation they deserve, I am pleased to honor and commend Ms. Steen for her decades of dedication to students in Central Washington. Ms. Steen exemplifies the best of America.

To Ms. Steen and the teachers across America that are educating tomorrow's leaders, thank you.

IN OBSERVANCE OF THE 90TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. ROTHMAN. Mr. Speaker, this Sunday, April 24, 2005 is the 90th anniversary of the Armenian Genocide, the systematic and planned extermination of an entire ethnic group by the Ottoman Empire, and the first act of genocide in the 20th Century. I join my colleagues and the Armenian-American community in my district, the 9th Congressional District of New Jersey, and with people of goodwill throughout the world, in solemn observance and acknowledgement of the deaths of 1.5 million Armenians during the years 1915–1923.

Countless Armenian families were torn apart forever by these gruesome acts of violence—acts that have been seared into the memories of the courageous individuals who survived. Survivors have vowed to never let their children, grand-children, and great-grandchildren, or others in the world, forget this past. Unfortunately, there is still a denial on the part of many people around the world about the actual occurrence of a genocide in Armenia. I stand steadfast with my Armenian friends in support of an acknowledgement of the horrors that were inflicted upon their families, and I continue to urge the recognition of the Armenian Genocide.

This year, the number “ninety” serves as a reminder that too many years have passed without proper recognition, and it serves as a motivational tool to continue to educate the world about the Armenian Genocide. In past years on the day of the anniversary, my Armenian-American constituents from St. Leon Armenian Apostolic Church in Fair Lawn, St. Vartanantz Armenian Apostolic Church in Ridgefield, and St. Thomas Armenian Apostolic Church in Tenafly would participate in solemn services held in memory of the martyrs of the Armenian Genocide at their individual churches. This year, however, the number “ninety” will unify Armenian-Americans as all members of the Armenian Apostolic churches on the East Coast will convene in Times Square in New York City to stand together and have their voices heard.

This anniversary also provides us with an opportunity to pledge that such a slaughter should never take place again. I am sickened and dismayed by the atrocities that we continue to see today in the Sudan, as well as others that we have seen in the 20th century, such as the Holocaust and the ethnic cleansing campaigns in Cambodia, Kosovo and Rwanda. All of these events should be recognized for what they are: Genocide.

As a Jewish-American, I stand united with Armenians who continue to fight for recogni-

tion of the Armenian Genocide so the world will never forget the first crime against humanity in the 20th Century. I am hopeful that this 90th Anniversary of the Armenian Genocide will bring with it the recognition that is deserved, and help us in our obligations as global citizens to protect the basic human rights of all people. We owe it to our ancestors, our families, and humanity to be committed to preventing genocide in the future, no matter when, where, or to whom it occurs.

BANKRUPTCY ABUSE PREVENTION AND CONSUMER PROTECTION ACT OF 2005

SPEECH OF

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 14, 2005

Mr. TIAHRT. Mr. Speaker, I rise today in strong support of S. 256, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005. I believe passage of this important bill is long overdue, and I congratulate Chairman SENSENBRENNER and Chairman OXLEY for their leadership over the past several years in crafting meaningful bankruptcy reform.

The bill we are voting on today will help foster greater personal responsibility and make it more difficult for those who use bankruptcy as a tool for fraud to cheat their way out of debt.

Bankruptcy filings have escalated in recent years, which have had negative consequences on our economy. Yet, numerous studies have shown many bankruptcy debtors are able to repay a significant portion of their debts. If this alarming trend continues, all Americans will pay the price in the form of higher costs for goods, services and credit. These higher costs not only harm consumers, it also stymies growth for businesses.

By addressing bankruptcy abuses, S. 256 will play a role in creating a better environment to conduct business in America, which means more jobs for those who need them.

Some have expressed concerns S. 256 will limit people from filing under Chapter 7. However, estimates show only a small percent of Chapter 7 bankruptcy filers would have their petitions dismissed or forced into Chapter 13 or Chapter 11 bankruptcy. One study cited by the Committee on the Judiciary suggests as few as 3.6 percent of Chapter 7 filers would be moved into repayment plans under the new means test.

I recognize there are cases where families and individuals need to file for Chapter 7 bankruptcy for very legitimate reasons. Sometimes hardships and unforeseen circumstances happen in life, and bankruptcy is a needed last option to help families survive.

However, the United States cannot afford to continue down the path where high consumer debt is routinely directed toward bankruptcy as a first stop rather than a last resort. I am pleased S. 256 addresses common bankruptcy abuses while continuing to offer Americans who need to file for bankruptcy the means to do so.

The consumer bankruptcy provisions of S. 256 address the needs of both creditors and debtors. With respect to the interests of creditors, this legislation responds to many factors

that have contributed to the increase in consumer bankruptcy filings, such as lack of personal financial accountability.

The bill provides many debtor protections such as provisions allowing debtors to exempt certain education IRA plans, fortifying exemptions for certain retirement pension funds, and enhancing the professionalism standards for attorneys and others who assist consumer debtors with their bankruptcy cases.

S. 256 ensures debtors receive notice of alternatives to bankruptcy relief, requires debtors to participate in debt repayment programs, and institutes a pilot program to study the effectiveness of consumer financial management programs.

I am also pleased S. 256 contains several provisions that will help make American businesses more competitive. By cracking down on bankruptcy abuse, we eliminate another obstacle small businesses face as they compete in the global marketplace.

Currently, a business can be sued by a bankruptcy trustee and forced to pay back money previously paid to it by a firm that later filed for bankruptcy protection. Under the reforms of S. 256, small businesses will have an easier time successfully defending against these suits.

The reforms will promote greater certainty in the financial market place as well. S. 256 reduces systemic risk in the banking system and financial marketplace by minimizing the risk of disruption when parties to certain financial transactions become bankrupt or insolvent.

S. 256 addresses the special problems presented by small business debtors by instituting firm deadlines and enforcement mechanisms to weed out those debtors who are not likely to reorganize. It also requires the court and other designated entities to monitor these cases more actively.

Under the current law, nearly every item of information supplied by a debtor in connection with his or her bankruptcy case is made available to the public. S. 256 prohibits the disclosure of the names of the debtor's minor children and requires such information to be kept in a nonpublic record, which can be made available for inspection only by the court and certain other designated entities. In addition, if a business debtor had a policy prohibiting it from selling “personally identifiable information” about its customers and the policy was in effect at the time of the bankruptcy filing, then the sale of such information is prohibited unless certain conditions are satisfied.

These are just a few of the several provisions that make this bill good for American consumers and businesses. I urge my colleagues to join me today in voting for S. 256 so we can limit abuses within our bankruptcy system and promote a stronger America.

IN APPRECIATION OF OUR WORLD WAR II VETERANS

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. RYAN of Wisconsin. Mr. Speaker, as we approach the sixtieth anniversary of VE Day, we must remember and honor the men and women of America's armed forces who secured victory in World War II at a great cost.

They were regular citizens thrust into an extraordinary conflict at a pivotal point in world history, and freedom's future across the globe depended on their courage and character. They sacrificed and endured much in order to defeat tyranny and preserve liberty—overcoming formidable enemies, the elements, and undoubtedly their fears. The freedoms we enjoy today are their legacy, and we must cherish and defend this legacy as they did.

I have been very fortunate to meet quite a few of those in Southeastern Wisconsin who served during World War II, and every time I speak with them it is an inspiration. These heroes in our midst are a constant reminder of the tremendous difference that one person can make in this world. Because they confronted evil and risked their lives to liberate occupied lands, countless individuals around the world were able to grow up enjoying the blessings of freedom, and America's land and liberty were preserved.

Later this week, some of these veterans will be commemorating the sixtieth anniversary of victory in World War II at a special ceremony in Franklin, Wisconsin. They should know that America has not forgotten their bravery and how they and those fighting beside them saved the free world. We will forever be indebted to them for their service to our country in its hour of need, and we will continue to draw strength from this example as we fight terrorism and other threats today and in the future.

RECOGNIZING THE CENTER FOR
YOUTH CITIZENSHIP

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Ms. MATSUI. Mr. Speaker, I rise in tribute to an organization with a great record of service to the young people of the Sacramento Region. Ever since its inception in the 1980s, the Center for Youth Citizenship has worked tirelessly and successfully to enhance the significance of citizenship and the importance of our laws and institutions to the young people of the local region. I ask all my colleagues to join me in saluting the Center for Youth Citizenship (CYC), one of Sacramento's most respected community organizations.

Founded in 1984, the Center for Youth Citizenship's mission is to have young people respect one another, our institutions, and laws; have a working understanding of citizenship, its requirements and responsibilities; appreciate the foundation and privileges of democracy; and have the skills and character to be engaged and informed participants in everyday community matters. To achieve these goals, CYC has reached out to a diverse group of school and community partners on award winning and recognized school and community programs such as the Gordon D. Schaber Mock trial & Moot Court Competition, Laws for Youth and Families, and California Conflict Resolution and Youth Meditation Project.

Through its partnerships with a broad-based group of government, business and education leaders, CYC initiated the program, With Liberty and Justice for All, in 2004. The program is designed to connect the generations and

groups in the local communities and recommit them to the collective pursuit of equity, justice, and character. In its inaugural year, CYC, along with a coalition of local businesses, community groups, and school districts, attracted a theater full of students to commemorate the 50th Anniversary of the landmark Supreme Court decision of *Brown v. Board of Education*. As a result of the hard work of the CYC staff, hundreds of students were treated to a memorable and invaluable learning experience that will likely impact them for the rest of their lives.

This year, CYC has once again brought together an impressive list of community entities to celebrate the second year of the With Liberty and Justice for All community forum. The event theme for the 2005 program is "A Celebration of Citizenship, Education, and Service." Education legend Jaime Escalante, profiled in the Academy Award nominated film "Stand and Deliver," a group of Mr. Escalante's former students, and acclaimed actor Edward James Olmos, who portrayed Mr. Escalante in the movie, are all scheduled to participate in a special screening of "Stand and Deliver" and participate in an important dialogue about the importance of citizenship, education, and service.

Mr. Speaker, I am honored to pay tribute to the Center for Youth Citizenship. I would like to especially thank CYC's Executive Director, Dr. Joe Maloney, and his great staff for their dedication and hard work. I am confident that the Center for Youth Citizenship will continue to yield tremendous benefits for the people of Sacramento. I ask all my colleagues to join with me in wishing the Center for Youth Citizenship a successful 2nd annual With Liberty and Justice for All community forum and continued success in all its future endeavors.

THE 90TH ANNIVERSARY OF THE
ARMENIAN GENOCIDE

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. WEINER. Mr. Speaker, April 24th marks the 90th commemoration of the Armenian genocide. On that day, Ottoman Turkish leader Talaat Pasha uttered the frightening directive to "Kill every Armenian man, woman, and child without concern."

Between 1915 and 1921, more than 1.5 million Armenians were slaughtered, approximately 80 percent of the population. Men were tied together with ropes, taken to the outskirts of their town and shot or bayoneted by death squads. Women were brutally raped and hundreds of thousands were starved to death. 75 percent of those who were forced into death marches perished, especially children and the elderly. And those who survived the ordeal were herded into the desert without water, thrown off cliffs, burned alive, or drowned.

Ninety years after that first genocide of the 20th century, it is hard for many Americans to conceive of a tragedy on such a scale. An equivalent massacre on U.S. soil would claim the lives of 236 million Americans. That's every man, woman, and child in 48 of the 50 United States.

Some mistakenly believe that recent events make the Armenian tragedy seem long ago.

To the contrary, its relevance has a heightened importance today. One week before Hitler invaded Poland in the fall of 1939, he ordered his generals "to kill without pity or mercy all men, women, and children of Polish race or language. Only in such a way will we win the vital space that we need. Who still talks nowadays about the Armenians?"

That is precisely why we must still talk about the Armenians today. And we must still talk about the Jews, and the Poles, and the Russians, and the Catholics, and the Tutsis, and the moderate Hutus, and the Sudanese whose lives have been lost to genocide.

That is why this week's commemoration here in the United States Congress and those events going on this week are so crucial. If the world fails to remember the Armenian genocide of the early 20th century, we will have abandoned the collective commitment to fight the evils that communities have unleashed upon another.

In these early years of the 21st century, Armenians understand the War on Terror. It is a war they have now been fighting for ninety years. A war the world community still refuses to recognize. As we gather today to pay tribute, it is time for the U.S. Congress to finally designate what we all know to be a case of genocide. While tragically it may not be last, it is time to correct the history in the minds of many and finally declare the Armenian genocide the holocaust that it was.

THE 90TH ANNIVERSARY OF THE
ARMENIAN GENOCIDE

HON. MICHAEL R. McNULTY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. McNULTY. Mr. Speaker, I join today with many of my colleagues in remembering the victims of the Armenian Genocide. April 24th will be the 90th anniversary of this human tragedy.

From 1915 to 1923, the world witnessed the first genocide of the 20th Century. This was clearly one of the world's greatest tragedies—the deliberate and systematic Ottoman annihilation of 1.5 million Armenian men, women, and children.

Furthermore, another 500,000 refugees fled and escaped to various points around the world—effectively eliminating the Armenian population of the Ottoman Empire.

From these ashes arose hope and promise in 1991—and I was blessed to see it. I was one of the four international observers from the United States Congress to monitor Armenia's independence referendum. I went to the communities in the northern part of Armenia, and I watched in awe as 95 percent of the people over the age of 18 went out and voted.

The Armenian people had been denied freedom for so many years and, clearly, they were very excited about this new opportunity. Almost no one stayed home. They were all out in the streets going to the polling places. I watched in amazement as people stood in line for hours to get into these small polling places and vote.

Then, after they voted, the other interesting thing was that they did not go home. They had brought covered dishes with them, and all of these polling places had little banquets afterward to celebrate what had just happened.

What a great thrill it was to join them the next day in the streets of Yerevan when they were celebrating their great victory. Ninety-eight percent of the people who voted cast their ballots in favor of independence. It was a wonderful experience to be there with them when they danced and sang and shouted, "Ketse azat ankakh Hayastan"—long live free and independent Armenia! That should be the cry of freedom-loving people everywhere.

COMMEMORATING THE 90TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. BERMAN. Mr. Speaker, this Sunday, April 24th, marks the 90th anniversary of the beginning the Armenian Genocide. I rise today to commemorate this terrible chapter in human history, and to help ensure that it will never be forgotten.

On April 24, 1915, the Turkish government began to arrest Armenian community and political leaders. Many were executed without ever being charged with crimes. Then the government deported most Armenians from Turkish Armenia, ordering that they resettle in what is now Syria. Many deportees never reached that destination.

From 1915 to 1918, more than a million Armenians died of starvation or disease on long marches, or were massacred outright by Turkish forces. From 1918 to 1923, Armenians continued to suffer at the hands of the Turkish military, which eventually removed all remaining Armenians from Turkey.

We mark this anniversary of the start of the Armenian Genocide because this tragedy for the Armenian people was a tragedy for all humanity. It is our duty to remember, to speak out and to teach future generations about the horrors of genocide and the oppression and terrible suffering endured by the Armenian people.

We hope the day will soon come when it is not just the survivors who honor the dead but also when those whose ancestors perpetrated the horrors acknowledge their terrible responsibility and commemorate as well the memory of genocide's victims.

Sadly, we cannot say humanity has progressed to the point where genocide has become unthinkable. We have only to recall the "killing fields" of Cambodia, mass killings in Rwanda, "ethnic cleansing" in Bosnia and Kosovo, and most recently, the unspeakable horrors in Darfur, Sudan to see that the threat of genocide persists. We must renew our commitment never to remain indifferent in the face of such assaults on innocent human beings.

We also remember this day because it is a time for us to celebrate the contribution of the Armenian community in America—including hundreds of thousands in California—to the richness of our character and culture. The strength they have displayed in overcoming tragedy to flourish in this country is an example for all of us. Their success is moving testimony to the truth that tyranny and evil cannot extinguish the vitality of the human spirit.

The United States has an ongoing opportunity to contribute to a true memorial to the

past by strengthening Armenia's emerging democracy. We must do all we can through aid and trade to support Armenia's efforts to construct an open political and economic system.

Adolf Hitler, the architect of the Nazi Holocaust, once remarked "Who remembers the Armenians?" The answer is, we do. And we will continue to remember the victims of the 1915–23 genocide because, in the words of the philosopher George Santayana, "Those who cannot remember the past are condemned to repeat it."

COMMEMORATING THE 90TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mrs. MALONEY. Mr. Speaker, as a proud member of the Congressional Caucus on Armenian Issues, and the representative of a large and vibrant community of Armenian Americans, I rise to join my colleagues in the sad commemoration of the Armenian Genocide.

Today we declare to people living in every corner of our globe that the Turkish and American governments must finally acknowledge what we have long understood: that the unimaginable horror committed on Turkish soil in the aftermath of World War I was, and is, an act of genocide.

I strongly believe that the tragic events that began on April 24, 1915, which are well known to all of us, should be part of the history curriculum in every Turkish and American school. On that dark April day, more than 200 of Armenia's religious, political and intellectual leaders were arrested in Constantinople and killed. Ultimately, more than 1.5 million Armenians were systematically murdered at the hands of the Young Turks, and more than 500,000 more were exiled from their native land.

On this 90th anniversary of the beginning of the genocide, we lend our voices to a chorus that grows louder with each passing year. We simply will not allow the planned elimination of an entire people to remain in the shadows of history. The Armenian Genocide must be acknowledged, studied and never, ever allowed to happen again.

The parliaments of Canada, France and Switzerland have all passed resolutions affirming that the Armenian people were indeed subjected to genocide. The United States must do the same. I will not stop fighting until long overdue legislation acknowledging the Armenian Genocide finally passes.

Of course, an acknowledgment of the genocide is not our only objective. I remain committed to ensuring that the U.S. government continues to provide direct financial assistance to Armenia. Over the years, this aid has played a critical role in the economic and political advancement of the Armenian people.

Additionally, it is clearly in our national interest to foster peace and stability in the South Caucasus region. We in Congress need to renew our commitment to Section 907 of the Freedom Support Act, which denies assistance to Azerbaijan until it ends its stranglehold on the embattled region of Nagorno-Karabagh.

We will not stand by as the Armenian people are threatened yet again.

On this solemn day, our message is clear: the world remembers the Armenian genocide, and the governments of Turkey and the United States must declare—once and for all—that they do, too.

COMMEMORATION OF THE ARMENIAN GENOCIDE

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. COSTELLO. Mr. Speaker, I rise today to pay tribute to the victims of one of history's most terrible tragedies, the Armenian Genocide.

April 24, 1915 is remembered and solemnly commemorated each year by the Armenian community and others throughout the world. On that day, Armenian religious, political, and intellectual leaders were arrested in Constantinople, taken to the interior of Turkey and murdered. From 1915 through 1923, Armenians that lived under Ottoman rule were systematically deprived of their property, freedom, and dignity. In addition, one and a half million Armenians were massacred, with 500,000 more deported.

Despite the efforts of some to minimize the scope and deny the occurrence, the Armenian Genocide is a historical fact. In my district, there is a significant population of Armenian survivors and their families that showed heroic courage and a will to survive. Many of the survivors of the genocide came to the United States, where they and their descendants have contributed to our society in countless ways. With faith and courage, generations of Armenians have overcome great suffering and proudly preserved their culture, traditions, and religion and have told the story of the genocide to an often indifferent world. It is through their unforgettable tragedy that we are able to share in their history and strong heritage. The history of the Armenian Genocide must never be forgotten. As Members of Congress and people of conscience, we must work to overcome the indifference and distortions of history, and ensure that future generations know what happened.

Mr. Speaker, it is impossible to imagine an evil more forceful than the efforts to systematically wipe out a people and a culture as well as individual lives. Denying that genocide took place when there are recorded accounts of barbarity and ethnic violence is an injustice. This was a tragic event in human history, but by paying tribute to the Armenian community we ensure the lessons of the Armenian genocide are properly understood and acknowledged. I am pleased my colleagues and I have this opportunity to ensure this tragedy is remembered.

COMMEMORATION OF THE ARMENIAN GENOCIDE

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. SOUDER. Mr. Speaker, I rise to remember the 90th anniversary of the Armenian

Genocide of 1915–1923. We are familiar with these events. Hundreds of thousands of men, women, and children were driven from their homes, starved, beaten, and shot. Government-orchestrated intimidation, government-sponsored deportations, and government-perpetrated slaughter are the hallmarks of the Armenian Genocide. They are also the hallmarks of other genocides with which we are all too familiar.

The Armenian Genocide was the first genocide of its kind, but it was not the last. It has served as a model of the Holocaust in Europe, the Killing Fields of Cambodia, and religiously motivated atrocities in Sudan. We look regretfully and sorrowfully at the slaughter of so many in these cases, as well we should. These events demonstrate man's inherent sinfulness and the evil that comes so easily. No one denies the events in Europe, Asia, and Africa happened. Anyone rejecting these mass slaughters is themselves rejected. And yet, many suffer some kind of incredulity when it comes to the Armenian Genocide. We demand the perpetrators of these other genocides are made to account for their actions, but not the Armenian Genocide.

Photographs and eye witness accounts point overwhelmingly and undoubtedly to the massacre of over one million human beings, but no one has ever been held accountable. Ninety years after these events, the perpetrators are no longer living. In this world, they can no longer be held responsible for their actions. Their heirs, however, should be made to acknowledge the deeds of their fathers. But they are not.

Modern Turkey has made Armenian Genocide denial into an article of faith. Genocide denial is taught in schools, and is supported by the government. Anyone who deviates from the official line is considered a traitor. Indeed, the government of Turkey works feverishly to prevent any government from recognizing the Armenian Genocide. Recognition by the legislative bodies of France, Italy, Switzerland, and Russia has been met with harsh criticism from the Turkish government.

In 2000, only intense lobbying and ruthless pressure from Turkey prevented this House from recognizing the Armenian Genocide. It is shameful that the United States House of Representatives refuses to reaffirm the Armenian Genocide. Official American records on the Armenian Genocide are considered to be the most extensive in the world, and yet we refuse to reaffirm what already has been acknowledged to be the first genocide of the Twentieth Century. In past eras, American officials, including US Ambassador Henry Morgenthau and President Ronald Reagan, boldly declared the savage butchery in eastern Anatolia and the Caucasus to be genocide.

By allowing Turkey to deny its past actions, we take a step backwards. By not reaffirming the events of ninety years ago, we do not live up to the ideals of our country. I reaffirm the Armenian Genocide in the House of Representatives. I know that it happened. I remember.

HONORING THE CONTRIBUTIONS OF KIMBERLY BRANN, BARNES MIDDLE SCHOOL TEACHER OF THE YEAR

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize the many accomplishments of Kimberly Brann, Barnes Middle School Teacher of the Year.

Kimberly Brann graduated from Southwest Texas State University, receiving her Bachelor of Business Administration in Accounting and Finance.

She has ten years of experience working in the business world. Ms. Brann worked in both commercial banking in San Antonio and investment banking in New York before becoming a teacher. Her unique and practical perspective helps to prepare our students for acquiring the skills they need for success.

Kimberly Brann has spent the last eight years teaching. She currently works at Seguin Independent School District, teaching math at Barnes Middle School. Having formerly taught fourth grade in the same district, she has watched some of her former students grow up through middle school.

It is an honor to recognize the accomplishments of Kimberly Brann. Her passion for education helps to insure that our students receive excellent and practical training that will help them succeed in the future.

TRIBUTE TO JOHN CADDELL

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. CRAMER. Mr. Speaker, I rise today to honor one of North Alabama's most influential leaders, Mr. John Caddell. Mr. Caddell, who will turn 95 on Saturday, is a popular lawyer in Decatur, Alabama who has done a great deal to help further the quality of life for all individuals in our community.

Still active in his law firm of Harris, Caddell, and Shanks, Mr. Caddell has always found time to share his thoughts on important community issues. He has been recognized for his leadership and commitment by the Kiwanis Club, the Chamber of Commerce, the Alabama Academy of Honor, and the University of Alabama.

Mr. Caddell is a board member and volunteer for many community organizations. He has served as a trustee for the University of Alabama system, First National Bank of Decatur, the Alabama State Democratic Executive Committee, and the Decatur General Hospital Foundation amongst others. He is also an elder and a Deacon for the First Presbyterian Church of Decatur.

Mr. Speaker, Mr. Caddell's family and friends in Decatur are gathering today to celebrate his 95th birthday with a surprise party. I rise, on behalf of everyone in North Alabama to thank him for everything he has done for the area and wish him a happy, healthy 95th year.

NATIONAL MINORITY CANCER AWARENESS WEEK

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to commemorate National Minority Cancer Awareness Week, which is taking place this week, April 17 to 23, 2005.

Despite remarkable advances in cancer research, prevention, and treatment, minority groups disproportionately fall victim to cancer. In honor of this year's National Minority Cancer Awareness Week, we must make a strong commitment to support public health programs dedicated not only to improving awareness in communities of color but to finding a cure for cancer and guaranteeing access to quality health care.

Minority populations have higher chances of developing life-threatening diseases like cancer, and poorer chances of early diagnosis, optimal treatment, and survival. Minorities face significant barriers to accessing health care, including the lack of adequate health insurance; unequal access to research, clinical trials, and treatment; and cultural and linguistic barriers. This unequal treatment is an unacceptable form of discrimination. We must eliminate health disparities affecting minorities by breaking down the barriers to access to quality health care.

Minority health disparities affect all Americans. While minorities make up only about one-third of the U.S. population, they represent more than half of uninsured Americans. According to the Agency for Healthcare Research and Quality, by the year 2050 nearly 1 in 2 Americans will be a member of a racial or ethnic minority. It is critical that we act now to eliminate health disparities and to reduce the number of uninsured Americans. The cost of inaction will mean more preventable illnesses and deaths, higher health care costs, and lost productivity.

As we recognize National Minority Cancer Awareness Week, I hope that we will also work to expand public outreach and education efforts, accelerate medical research, and strengthen Medicaid and other public health programs.

Finally, we must also make a commitment to provide access to affordable, comprehensive and quality health care for all Americans, regardless of their race, gender, income or geographic location. As the only industrialized nation in the world that does not guarantee access to health care as a right, it is time for a change.

STRENGTHEN SOCIAL SECURITY

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. GINGREY. Mr. Speaker, I rise today in support of strengthening Social Security through ownership and saving.

Right now, we have an opportunity to let Americans own a piece of their retirement savings by strengthening Social Security through voluntary personal accounts.

Most Americans might be surprised to know that their Social Security isn't very secure at all. As the system stands today, your Social Security check is controlled by Congress. And when you die, your benefits are taken away, regardless of how long or how much you've paid into the system.

That's a bum deal for Americans.

If instead, we let younger workers create voluntary personal retirement accounts with a small portion of their Social Security money, more Americans could build a nest egg that the government could never *ever* take away. These savings could be passed on to future generations.

Mr. Speaker, voluntary personal accounts will help low- and middle-income Americans accumulate wealth and save for their future. I ask for your support.

HONORING THE DOWNINGTOWN, PENNSYLVANIA CHAMBER OF COMMERCE

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. GERLACH. Mr. Speaker, I rise today to honor the Downingtown, Pennsylvania Area Chamber of Commerce on the occasion of its 60th anniversary.

The Downingtown Area Chamber of Commerce was established in 1945 and then later incorporated in 1947. Throughout the past sixty years, the Chamber of Commerce has worked diligently to represent, assist, and grow the Downingtown business community and, in turn, has become one of the most respected business organizations in Chester County, Pennsylvania.

For the past 60 years, the Downingtown Area Chamber of Commerce has worked to unify and sustain the business community in the area. The Chamber has continually worked hard to maintain a strong economic base in Downingtown and continues to maintain and provide an environment that is appealing not only to businesses and merchants, but also to residents. Because of these strong initiatives demonstrated by the Downingtown Chamber of Commerce and its solid reputation for facilitating economic growth in the area, the Chamber has been instrumental in cultivating Downingtown as "The Good Neighbor Community."

Today, there are approximately 350 members of the Downingtown Area Chamber of Commerce. The members are comprised of small business owners, industrial companies, professionals, residents, and organizations interested in supporting the activities and principles of the Downingtown community. Moreover, the members are interested in economic prosperity for their community. The Chamber works conscientiously to make sure that Downingtown thrives and prospers.

Mr. Speaker, I ask that my colleagues join me today in honoring the Downingtown Area Chamber of Commerce for its drive and dedication over the past 60 years to provide the citizens of Downingtown with a community that is economically prosperous and building on its past successes for a brighter future.

HONORING THE CONTRIBUTIONS OF LYTLE INDEPENDENT SCHOOL DISTRICT SUPER- INTENDENT MICHELLE C. SMITH

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to honor the important contributions of Lytle Independent School District Superintendent Michelle Carroll Smith.

Ms. Smith is a product of her hometown school system. She was raised on a farm in Lytle, Texas and graduated from Lytle high school. She graduated from The University of Texas at San Antonio with a Bachelor's degree in Elementary Education. Then, after completing her Master's degree in Education Administration, she became Principal at the elementary school. She later became Assistant Superintendent, and in December 2002, she became the Superintendent of Lytle Independent School District.

Ms. Smith's family has been in the Lytle school district for many years: her father Alfred Carroll graduated in 1961, and her grandmother Theresa Carroll graduated in 1940 from Lytle High School. Her children Trenton and Macy also plan to carry on the family tradition and graduate from Lytle High School in 2013 and 2016.

Mr. Speaker, Lytle Independent School District Superintendent Michelle Carroll Smith is a model of community involvement, and I am pleased to have this opportunity to publicly thank her.

TRIBUTE TO CATHY ANDERSON

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. CRAMER. Mr. Speaker, I rise today to honor one of North Alabama's most compassionate and dedicated leaders, Mrs. Cathy Anderson. Cathy is currently the CEO and President of Woody Anderson Ford in Huntsville, Alabama.

Mrs. Anderson was recently awarded the prestigious Ford "Salute to Dealers" Award. The Salute to Dealers Award was established to demonstrate Ford Motor Company's commitment to its dealers that improve the lives of those in need in their communities. I have known Cathy for many years and cannot think of anyone who deserves this award more than her.

Before she joined her late husband at his Ford dealership, Cathy was a state social worker who worked with abused children and their families. Her work has gone a long way in providing an effective system for intervention and treatment. She continues her work with children today as a strong supporter of the National Children's Advocacy Center in Huntsville.

Cathy is also on the forefront of methamphetamine prevention in North Alabama. In 2004, she hosted a methamphetamine educational forum for hospitality workers in Madison County. Cathy understood that a number of meth labs are found in hotel and motel

rooms and organized this forum to help point out the signs of meth abuse and teach others what they can do to help eradicate meth in the community.

Mr. Speaker, Cathy's work with children and methamphetamine abuse is quite remarkable and has helped raise the overall quality of life in North Alabama. I consider it a great privilege to have worked with Cathy on a wide variety of issues and to call her my friend.

On Friday, April 22, the North Alabama community will gather to honor and celebrate all of Cathy's achievements. I rise today, to join in their celebration and to congratulate her on behalf of everyone in North Alabama.

RECOGNIZING THE 9TH ANNUAL YOUTH PRIDE DAY

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Ms. NORTON. Mr. Speaker, Saturday, April 23rd, marks the culmination of Youth Pride Month in Washington, DC with our Ninth Annual Youth Pride Day.

Youth Pride Day occurs every April in Washington, DC. It is the annual celebration for gay, lesbian, bisexual, and transgender (LGBT) young people, which has brought over 15,000 youth together since its start in 1997. The celebration has grown from just 900 participants in 1997 to over 2,500 young people last year. Youth Pride Day has evolved from a single day into a series of events which now make April Youth Pride Month. These events include a prom, poetry readings, a film screening, an awards reception, and, on Saturday, the First Annual DC Youth Pride College Fair, the nation's largest LGBT college fair as well as Youth Pride Day itself.

The Youth Pride Alliance sponsors Youth Pride Day. The Alliance was founded in 1996, and its mission is to celebrate the dignity and courage of all young people as they discover their identities as gay, lesbian, bisexual, transgender, or straight.

The Alliance challenges society to stop hate, violence, fear, isolation, and denial as it reminds us that LGBT youth in our nation's Armed Forces, do so under the policy of "Don't Ask, Don't Tell." While they have sworn to defend the United States with their lives, they must suffer the hate, fear, isolation, and denial this demonstrably untenable policy engenders.

We, who live in our nation's capital, feel a special affinity to any group that has been denied the full rights and privileges of United States citizenship most Americans consider their birthrights. I remind the House that Washingtonians, who pay the second highest taxes in America, do so without full voting representation.

I ask this House to join with me in welcoming all those attending Youth Pride Day.

PERSONAL EXPLANATION

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. EMANUEL. Mr. Speaker, I was not present in the chamber last night to cast my

vote on rollcalls 115 through 123. Had I been present, I would have voted "yes" on all nine of those rollcalls.

HONORING THE CONTRIBUTIONS
OF LAREDO INDEPENDENT
SCHOOL DISTRICT BOARD OF
TRUSTEES MEMBER JOSE
VALDEZ

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize the many accomplishments of Laredo Independent School District Board of Trustees Member Jose Valdez.

Jose A. Valdez has a long and distinguished career in public service. He is a previous member of the City Council of Laredo, and is active in community governance in a variety of ways.

He promotes community involvement by seniors as the South Texas Coordinator of RSVP, the Retired Senior Volunteer Program. Through his work, seniors have been given a way to continue to contribute to the community in their retirement, improving their quality of life and the quality of life of all those around them.

Mr. Valdez has also been an advocate for a population that is too often forgotten by government: migrant workers. He has been Deputy Director of the Texas Migrant Council, and Executive Director of the Minnesota Migrant Council.

The Laredo Independent School District now benefits from Mr. Valdez' experience and energy, as he continues his work as a Board of Trustees Member. Mr. Valdez has had an exemplary career in public service and volunteer work. He is a credit to his community, and I am proud to have had the chance to recognize him here today.

TRIBUTE TO CONGRESSMAN TOM
BEVILL

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. CRAMER. Mr. Speaker, with profound sadness, I rise today to honor the life of my good friend and mentor, former U.S. Representative Tom Bevill. He passed away on March 30, 2005, one day after his 84th birthday.

Congressman Bevill served in this Chamber for the State of Alabama for 30 years. He was the Chairman of the House Energy and Water Appropriations Subcommittee. He was a powerful Congressman, who always remembered the people of Alabama who elected him. Under his chairmanship, he helped ensure that the State received funding for vital programs and projects and did a tremendous amount to improve the overall quality of life for his constituents.

Mr. Speaker, to honor the life and accomplishments of Tom Bevill, we must talk about the person he was. He was a devoted husband and father, a patriot and a statesman.

Mr. Bevill inherited me when I was elected to Congress in 1990. Actually, I had first met him in 1980 when he was getting off of Air Force One with President Carter in Huntsville. What a distinguished man he was coming down those steps, and I am talking about Tom Bevill. I had just been elected District Attorney of Madison County and I was meeting the man I had heard so much about, Tom Bevill. A powerful member of Congress and the Chairman of the House Appropriations Subcommittee on Energy and Water.

In 1991, I was a dangerous creature, a freshman Member of the U.S. House of Representatives. Mr. Bevill and his entire office became like family to me. He went out of his way to teach me everything he could and he let other members know that I was his partner, though I knew I was a very junior one.

One of the first legislative battles we fought together was over funding for NASA's Space Station. I had thousands of jobs at NASA's Marshall Space Flight Center in Huntsville connected to the space station. A Michigan Member was offering an amendment to an appropriations bill to kill the whole program, ending my jobs. So a number of us, including Mr. Bevill, organized to defeat the amendment. Mr. Bevill, like a good teacher, sent me to talk to this Michigan Member.

Now Chairman Bevill didn't do all this work "for" me, he always did it "with" me. In this case, he sent me to talk to the man, alone. I did not know this man, but off I went, and I talked to him, or tried to, and it did not go well at all.

This man from Michigan put his hand on my shoulder, grinned and said, "You might as well kiss those jobs goodbye." He was crude and rude. So I reported this back to Chairman Bevill and he said, "You don't say? Well, truth be known the man is practically a communist. But, we'll beat him." And we did. Chairman Bevill was brilliant on the floor during the debate. We saved those jobs and probably mine too. And the Space Station is out there in Space. But, I sure learned a lot from Tom Bevill.

I can see him now. Always neatly dressed, hard at work for his Alabama and his Country. Chairman Bevill was from a different, and I have to say better era. A time in the U.S. House when members were civil and even courteous to one another. They might disagree and often did, but they walked away as friends. And they did it with dignity.

Tom Bevill was always at the Thursday morning prayer breakfast. He sat in the same place every week with his friends. He took me with him the first time I went and I was and am a better person for it. He showed me where members of Congress could eat lunch in the Capitol. As often as I could I would eat there, watching and listening to Tom Bevill and his friends. Members were always trying to talk to Tom Bevill, to ask him for something, and he was always kind and courteous.

The Alabama delegation, seven of us, would tend to gather at every vote in the same area of the House Floor. Mr. Bevill would watch our votes and every now and then he would make a comment. A careful comment—"Bud, are 'we' being a politician today or a statesmen?" or "I find that 'our' people in Alabama don't see this issue the way some do . . ." Offering wonderful, helpful, wise advice, that was the kind of man he was.

And so, every now and then some, not many, will say to me in my district in North

Alabama, "You are going to be another Tom Bevill," or at least that's the way I hear it in my mind. They probably actually say, "You keep this up and you 'might' be another Tom Bevill." Then I know, that after 15 years, I have heard the best compliment one could pay . . . To be compared to Tom Bevill.

He gave us so much and I will miss him dearly.

To his children, Susan, Don, and Patty, thank you for letting us share him with you and your families.

Mr. Speaker, I rise today on behalf of everyone in North Alabama, to show my thanks to Congressman Bevill and honor him as a true American leader. There won't be another one like Tom Bevill.

PEST MANAGEMENT AND FIRE
SUPPRESSION FLEXIBILITY ACT

HON. C.L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. OTTER. Mr. Speaker, I rise today to introduce the Pest Management and Fire Suppression Flexibility Act. This bill codifies the Environmental Protection Agency's rule-making, while affirming Congressional intent and the long-held positions of Republican and Democrat administrations with regard to the Clean Water Act and pesticide applications, fire suppression and other pest management activities. I am pleased to be joined by 28 members in introducing this legislation.

Congress passed the federal Clean Water Act (CWA) in the early 1970s in an attempt to better account for and more closely regulate discharges of municipal wastes and pollutants into our nation's waterways from large industrial facilities.

More than 30 years later, however, federal courts have expanded the scope of the CWA far beyond the original intent of Congress. Today, family farmers, mosquito-abatement and pest-control districts, irrigators, rural water districts, federal and state agencies, foresters, pest and lawn-care control operators and many others are subject to unnecessary, bureaucratic permitting requirements and nuisance lawsuits based on misguided interpretation of the CWA by the 9th U.S. Circuit Court of Appeals.

Known as the Talent and Forsgren decisions, the court ruled that persons applying a pesticide according to the federally approved label directly to or above a body of water must obtain a CWA permit prior to the application. The Forsgren decision also significantly narrowed a longstanding Environmental Protection Agency (EPA) rule exempting forestry activities such as pest and fire control from CWA permitting requirements. Similar cases are pending in other parts of the country.

The court's viewpoint in Talent blatantly disregards the comprehensive pesticide registration process required by the primary federal pesticide statute, the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). Under FIFRA, the EPA reviews environmental effects and water quality data, and approves specific use directions for pesticides based on the information it has evaluated—a factor the district court in Talent relied heavily on in rejecting the suit. Failing to use a pesticide in accordance with its EPA-approved labeling is a violation of federal and state laws.

EPA does not issue CWA permits solely for the direct application of a pesticide to target a pest that is present in or over water, nor has it ever stated in any general policy or guidance that a permit is required for such applications. EPA recently issued rulemaking specifically exempting pesticide applications performed according to label instructions from CWA permitting requirements. The action would codify a 30-year-old policy.

By transferring the primacy of pesticide use from FIFRA to CWA, the 9th Circuit has authorized attorneys representing activist groups to file lawsuits to bully and intimidate farmers, mosquito abatement districts, the U.S. Department of Agriculture and others into ceasing long and widely practiced activities that have been authorized by—and already are closely overseen by—Federal and state governments.

While the EPA's rulemaking is a step in the right direction, many groups are concerned that it will not provide the necessary protection from activist lawsuits. The legislation I am introducing today would make permanent the EPA's current rulemaking related to pesticide applications and CWA permits as well as its 30-year-old rule exempting certain forestry activities. Moreover, it would provide much-needed protection from nuisance suits for groups that already are too heavily regulated.

INTRODUCTION OF THE STOP SENIOR HUNGER ACT OF 2005

HON. FRANK. A. LOBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. LOBIONDO. Mr. Speaker, I rise here today in support of the "Stop Senior Hunger Act of 2005." This important piece of legislation reauthorizes vital senior nutrition programs. These programs help these men and women in cities, suburbs and rural communities across America who are elderly, homebound, disabled, frail or at risk. They help those with long-term illnesses and those who may just need a little short-term assistance after a hospital stay or during a time of need. In the words of the Meals-on-Wheels Association of America, the oldest and largest national organization representing senior meal programs in the United States, these programs are needed "so no senior goes hungry."

The "Stop Senior Hunger Act of 2005" reauthorizes through 2010 both congregate and home delivered nutrition services—those meals provided at local senior centers and those meals delivered to homebound seniors. It also reauthorizes the Nutrition Services Incentive program which provides additional funds to states based on each state's share of the total meals served by Meals on Wheels and other senior nutrition programs in all states the prior year.

The average beneficiary may be very familiar to you—she may be your mother, your grandmother or your next door neighbor. She is an elderly woman in her very late seventies or early eighties and is more than twice as likely as her contemporaries to live alone, apart from family and friends. She is likely to have trouble with walking or climbing stairs and have a number of diagnosed chronic health conditions. In addition, she probably

has an income below \$18,000. Whatever the reason, she cannot shop, cook, or prepare meals for herself. She relies on Meals on Wheels and other senior nutrition programs to ensure she gets proper nutrition.

The demand for the services Meals on Wheels and other senior nutrition programs provide will continue to increase at an astounding pace. As many of you know, the over 65 population in the United States is growing and is projected to increase dramatically. In fact, those individuals age 85 or older, is the fastest growing segment of the entire United States population.

Meals on Wheels and other senior nutrition programs are also an excellent use of our increasingly scarce federal dollars. They save federal Medicare, Medicaid, and veterans' health care costs since malnourished patients stay in a hospital nearly twice as long as well nourished seniors. In addition, for every federal dollar spent as part of these programs as much as three dollars are leveraged from other funding sources, including state, local and private funds and participant contributions toward the cost of meals.

I was proud to participate in the Meals on Wheels Association of America's "March for Meals" last month. I joined volunteers from Meals on Wheels of Salem County, New Jersey in delivering meals and witnessed first hand both the need for these important programs and the incredible dedication of their staff and volunteers. I encourage each of you to get involved with your local programs—whether you help prepare meals, deliver meals, or just join local seniors in enjoying their meals—your support can make a difference.

For all of these reasons, I urge my colleagues in the House to support the "Stop Senior Hunger Act of 2005."

HONORING THE CONTRIBUTIONS OF FRIO COUNTY COMMISSIONER JOSE "PEPE" FLORES

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize the many accomplishments of Frio Precinct Four County Commissioner Jose "Pepe" Flores.

Mr. Flores has a strong and varied background in public service. He graduated from Dilley High School, and from Sul Ross University in 1970 with a Bachelor's Degree in Chemistry. He subsequently received his certification as a Medical Technician.

He has worked as a drug abuse counselor, a college teacher at the University of Texas, and a Halliburton Oilfield Engineer, among other professions. He has also been part of several important community organizations, including the Tax Appraisal District, the Rio Grande Water District, and the Dilley Independent School District School Board.

Mr. Flores now serves the public as County Commissioner for Frio County. He owns and operates a ranch in South Texas, and is married to Jennifer Flores, with whom he has two children.

Mr. Flores has distinguished himself as an energetic, hardworking, and versatile businessman and public servant.

The city of Dilley and the people of Frio County have benefited greatly from the work he has done, and I am proud to have the chance to thank him here today.

HONORING LAIRD & COMPANY

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. HOLT. Mr. Speaker, I rise today to honor Laird & Company on its 225th Anniversary as a family, owned and operated New Jersey business located in Scobeyville, New Jersey. Laird & Company is the oldest licensed distiller in the United States and is most well known for its famous Applejack.

The history of Laird & Company is very rich. The company can trace its origin back to 1698 when William Laird moved to Monmouth County, New Jersey from Scotland and began making Scotch by using one of the most abundant resources in the area, apples. He made this brandy for his own family, friends and neighbors.

During the Revolutionary War, Robert Laird served under George Washington and during the Battle of Monmouth, the Laird family would supply the troops with Applejack. Washington enjoyed Applejack and personally requested the recipe to produce his own. To this day, Washington is the only non-Laird family member to know the secret Laird's Applejack recipe.

During Prohibition, the company was able to survive by selling sweet cider and applesauce. Since the Prohibition, Laird & Company has produced roughly 95 percent of all Applejack apple brandy sold in the United States. Laird & Company halted their production of Applejack during World War II to aid in the war effort by converting their plant to dry and dehydrate apple pomace for pectin and other products.

Laird & Company was recognized by the New Jersey State Senate in 1964 as the "oldest native distilled spirit beverage in the United States." The plant in Scobeyville, New Jersey is the oldest operating distillery in the country and it produces close to 1.5 million cases of distilled spirits annually.

I rise today to commend Laird & Company in its 225th year as a family owned and operated business with a deep history. I applaud the service that Laird & Company has made to the individuals and communities of Central New Jersey and the country.

TRIBUTE TO LAWRENCE DUNHAM

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. PAYNE. Mr. Speaker, I rise to honor an outstanding State Department professional, Lawrence Dunham, as he retires after three decades of dedicated government service.

Mr. Dunham served as Assistant Chief of Protocol for Diplomatic Affairs at the State Department and also assumed the position of Acting Chief of Protocol when he was designated to manage the transition from the Clinton to the Bush administration. He is well-respected by Members of Congress from both

sides of the aisle for his expertise, organizational ability, and exceptional diplomatic skills.

During his distinguished career, Larry—as he is known by his friends—managed relations with foreign embassies in Washington and consulates throughout the United States, handling issues of accreditation, privileges and immunities under international law. As a senior career officer in the bureau, he resolved sensitive cases involving diplomatic immunity, recognition of foreign officials, and establishing and breaking relations. He also organized participation of foreign government representatives in major national events, leading a team which arranged for more than 80 delegations from abroad and 180 ambassadors representing foreign governments to attend the State Funeral of former President Reagan. Mr. Dunham represented the State Department on television and radio broadcasts, in meetings with Congressional staff, journalists, and as an expert witness. He served as a speaker to groups including the International Association of Chiefs of Police, National Association of Secretaries of State, Smithsonian Associates, spouses of new foreign ambassadors, and consular corps throughout the United States. Among the awards he received were the Superior Honor Award for outstanding service in upholding international legal principles; Meritorious Honor Awards for initiative and leadership in monetary conservation and improvement in efficiency, and for outstanding managerial skills in restructuring work and improving service; the Secretary's Certificate of Recognition; the Commanders' Cross, Austria; and the Order of Queen Isabella, Spain.

A graduate of George Mason University School of Law, Mr. Dunham and his lovely wife Deborah reside in Annandale, Virginia. He is being honored on Friday, April 22, 2005 at an event at the DACOR-Bacon House in Washington, D.C. which will be attended by a number of ambassadors representing nations which he has assisted during his career.

Mr. Speaker, I know my colleagues here in the U.S. House of Representatives join me in congratulating Larry Dunham on his retirement and in expressing our appreciation for his many years of exemplary service to our Nation.

HONORING THE DISTINGUISHED SERVICE OF BILLY PAUL CARNEAL

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. GORDON. Mr. Speaker, today I rise to honor Billy Paul Carneal, a Springfield, Tennessee, native who has dedicated his life to public service and the past 11½ years as the executive director of the Springfield-Robertson County Chamber of Commerce. Billy Paul has decided to retire from the chamber, and I want to thank him for all he has done for his community, which I have the honor of representing in this esteemed body.

Billy Paul has served as a teacher in Robertson County, a school principal and administrator in nearby Cheatham County, the mayor of Springfield and a volunteer firefighter. In addition, he currently serves as a Robertson County commissioner. Billy Paul's contribu-

tions to his community can be traced to his grandfather, R.W. Darke, who was a member of both houses of the Tennessee General Assembly and the city clerk for Springfield.

Billy Paul's service as a public school teacher and administrator is especially admirable. He says he became an educator because his teachers in high school and college served as excellent role models for him. He then passed his own passion for case history and government to a new generation. Today, his former students are doctors, lawyers, public officials and teachers.

As mayor of Springfield, Billy Paul was instrumental in changing the city's form of government from three at-large commissioners to a board of mayor and aldermen, with a city manager to oversee operations. He says the decision to seed the change in government was one of the toughest he made as mayor.

Billy Paul's latest contribution to his community involved a very successful tenure as the executive director of the chamber. In this capacity, he improved immensely the quality of life for Robertson County residents. But Billy Paul did not do all this alone. He had help from many in the community, and he had the love and support of an understanding wife and family. He attributes the support of his wife, Pat, and their three children for his accomplishments. Billy Paul, I wish you well in your future endeavors and thank you for your service to a community you obviously cherish.

HONORING THE CONTRIBUTIONS OF AMANDA JENNER, BRIESE- MEISTER MIDDLE SCHOOL TEACHER OF THE YEAR

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize the many accomplishments of Amanda Jenner, Briesemeister Middle School Teacher of the Year.

Amanda Jenner received a Bachelor of Science in Elementary Education with a specialization in math from Southwest State University.

Ms. Jenner, who is also a former graduate of Seguin High School, understands the unique needs of her students. She prefers to look at every new day as an opportunity to learn from new experiences. As a teacher, she encourages her students to look at life's challenges in new and creative ways.

Math is important for success in later life, and Ms. Jenner believes that it is important to make the subject practical and even fun. She believes in the importance of having a good sense of humor and reaching students on a personal level.

I am proud to have had the chance to recognize Briesemeister Middle School's Teacher of the Year, Amanda Jenner. Her unique teaching style and personal approach help to create a healthy learning atmosphere for our children.

PERSONAL EXPLANATION

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. KENNEDY of Rhode Island. Mr. Speaker, during the day of April 20, I traveled to Rhode Island to attend the Funeral Wake of Providence Police Officer Allen. During this time I missed several rollcall votes.

I respectfully request the opportunity to record my position on rollcall votes.

It was my intention to vote: "no" on rollcall No. 112, H. Res. 219. I would have voted "no" because this rule and this bill represent an unfunded mandate that shifts \$30 billion in clean-up costs of MTBE pollution in the drinking water supply to State and local governments. "Yes" on rollcall No. 113, H. Con. Res. 126: expressing the condolences and deepest sympathies of the Congress in the aftermath of the recent school shooting at Red Lake High School in Red Lake, Minnesota. "Yes" on rollcall No. 114, H. Res. 208: recognizing the University of Pittsburgh and Dr. Jonas Salk on the fiftieth anniversary of the milestone discovery of the Salk polio vaccine, which has virtually eliminated the disease and its harmful effects.

At this time I would ask for unanimous consent that my positions be entered into the RECORD following those votes or in the appropriate portion of the RECORD.

HONORING NICHOLAS P. GODICI

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. MORAN of Virginia. Mr. Speaker, I rise today to honor Nicholas P. Godici, a distinguished public servant who is retiring after more than 32 years of exemplary service with the United States Patent and Trademark Office (USPTO). In 2000, Commissioner Godici was appointed by the Secretary of Commerce as the first Commissioner for Patents under the American Inventors Protection Act of 1999. That Act rechartered the USPTO and made the most significant changes to the U.S. patent system since the Patent Act of 1952.

As Commissioner for Patents, Commissioner Godici effectively oversaw an organization that employs more than 3,700 patent examiners who review and process over 350,000, patent applications each year. He was instrumental in the drafting and implementation of the USPTO's 21st Century Strategic Plan which is a comprehensive, ongoing effort to increase productivity in patent processing time, enhance patent quality, and promote electronic filing and processing.

Commissioner Godici began his career on June 25, 1972, as a patent examiner and his steady leadership and commitment to the patent system have earned him international recognition and the respect of his colleagues and the entire intellectual property rights community.

He was appointed to the Senior Executive Service in 1990 as Group Director of a patent examination organization. In 1997, Nick was selected to serve as the Deputy Assistant Commissioner for Patents responsible for all

aspects of the patent granting process. Since his appointment to Commissioner, he has represented the United States in a number of international negotiations involving intellectual property rights, and testified before Congress on a variety of patent issues and USPTO operations. He was also the Acting Under Secretary of Commerce for Intellectual Property and Acting Director of the USPTO from January to December 2001.

I am honored to have this opportunity to publicly commend a dedicated public servant on the occasion of his retirement. Nicholas Godici embodies the excellence of our public servants, and I wish him all the best in his future endeavors.

CELEBRATING EARTH DAY—SENATOR GAYLORD NELSON'S LEGACY

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. OBEY. Mr. Speaker, Earth Day is a great day to call attention to the many environmental public health challenges that face everyone on the planet. Established by Wisconsin's own Senator Gaylord Nelson on April 22, 1970, it stands as an annual reminder that as human beings we should recommit ourselves to his vision of a world where we demonstrate a mutual respect for one another by not "fouling the nest" and preserving the fragile planet we share. I submit for inclusion in the RECORD this statement from Senator Nelson on the occasion of the 35th anniversary of Earth Day:

EARTH DAY 2005—A WAKE UP CALL

(By Former Senator Gaylord Nelson—
Founder of Earth Day)

The 35th anniversary of Earth Day is a sobering occasion. On previous anniversaries we have hailed this "new awakening" as millions around the world suddenly rose up and pledged their support for a new campaign to save the natural environment.

In 1993 American Heritage magazine called Earth Day "one of the most remarkable happenings in the history of democracy." There has been progress, of course, particularly in public awareness of the critical role environment plays in our lives and in the education and training of new environmental leaders. Environment has become a major political issue. The public is prepared to support those measures necessary to forge a sustainable society, if the President and the Congress have the vision to lead us to that goal.

Unfortunately, the President and the Congress have not stepped up to the challenge of providing national and world leadership on the environmental crisis.

In fact, on some key issues, they are actually resisting or reversing progress made in the past 30 to 40 years. And without strong, sustained leadership from the President and Congress the urgent challenge to protect the environment and create a sustainable society cannot succeed. Theodore Roosevelt made conservation a top priority for the Republican party, and many members of his party carried that torch over the years. Recently, however, the GOP leadership has abandoned this cause. There are many serious environmental problems confronting us. But two current environmental issues dramatize this failure of leadership—energy conservation, and population control. Both are critical to the sustainability of our society.

In each case, there is not only a lack of wise national leadership but an apparent determination to turn back the clock. The surrender to special interests on these two issues makes a mockery of any claim to environmental awareness.

Egged on by the President, the Senate on March 16 sneaked into the annual budget resolution a scheme to allow drilling for oil in the pristine Arctic National Wildlife Refuge, protected in 1960 at the urging of great environmentalists such as Sigurd Olson, Justice William O. Douglas, and Wilderness Act author Howard Zahniser. The bill was signed by President Eisenhower.

This is not just a sabotage of environmental policy. It also undermines any hope for a wise energy policy. When all the evidence calls for bold steps to conserve energy and develop alternative sources, this cynical action implies that we can burn all the oil we want and just move on to the next untapped source, no matter where it might be.

We are told it may be 10 years before a very modest amount of oil could be produced from this pristine refuge. And what would it cost in real terms?

For the President to call for oil drilling in the Arctic Wildlife Refuge is like burning the furniture in the White House to keep the First Family comfortable.

Equally critical is the failure of the President and Congress to confront the issue of population control, in our own rapidly growing country and the rest of the world.

A "Rockefeller Report" in 1972, issued by the President's commission on population growth, urged the U.S. to move vigorously to stabilize our population at about 200 million as rapidly as possible. Since then our population has ballooned to 282 million, and is expected to reach 500 million between 2060 and 2070. We are heading into a century in which we will double and triple our population in a short time.

World-wide population projections are equally chilling. A series of international conferences have called for bold action to control population growth.

Yet the United States in recent years has become an aggressive opponent of family planning programs in other countries, and we are now facing efforts by some "new conservatives" to impose similar restrictions at home.

On previous Earth Days we have offered a solution: The President should set the standard by delivering a message to the Congress on the state of the environment, citing priorities that need to be addressed. Congress then should hold hearings on these issues. This would produce a "national dialogue" on the sustainability of our environment, and provide a roadmap to the future.

Without Presidential leadership and Congressional hearings, we cannot claim to be taking seriously the most compelling threats facing our society.

On environmental issues, our intelligence is reliable. Our scientists have the facts, if we will only listen. It is a "slam dunk" that we cannot continue on our present course. But without Presidential and Congressional leadership, even an enlightened public cannot cope with the greatest challenge of our time.—Gaylord Nelson, Washington, DC April, 2005.

HONORING THE CONTRIBUTIONS OF BARBARA HANSON NELLERMÖE

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize Forty-fifth District Court Judge Barbara

Hanson Nellermoe for her commitment to the Bexar County Community.

For ten years, Judge Nellermoe has been representing clients in environmental, banking, securities, medical malpractice, and other types of commercial litigation. Helping others in times of need is Judge Hanson's top priority and she has done a great job of it for the people in her community. Rated A-V by the Martindale-Hubbell national legal directory, she has received such awards as the President's Award for Outstanding Service to the San Antonio Bar Association and the Belva Lockwood Outstanding Lawyer Award from the Bexar County Women's Bar Association.

In addition to her total commitment to her current position as Forty-fifth District Court Judge, Barbara also serves on the board of directors for the College of the State Bar of Texas and is the Editor in Chief of San Antonio Lawyer magazine.

Judge Nellermoe is an irreplaceable citizen of Bexar County. I am pleased to have the chance to honor her here today.

ARMENIAN GENOCIDE 90TH ANNIVERSARY

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. CANTOR. Mr. Speaker, April 24th marks the anniversary of one of the most horrible tragedies of the 20th century, the genocide that was committed against the Armenian people by the Ottoman Empire. Over one million people were forced into exile and lost their lives during this horrible tragedy that befell the Armenian people in 1915.

The United States is proud of the strong ties we share with Armenia. Over the years many Armenian-Americans have helped to enrich and enhance our Nation's character; we have remained committed to peace in the region and will continue to help Armenia with its economic prosperity and strengthening of its democracy.

On this day of remembrance I send my solemn wishes to Armenians everywhere. I look forward to our nations working toward a future of peace, prosperity, and continued freedom.

CONGRATULATING THE ONCOLOGY NURSING SOCIETY ON THEIR 30TH ANNIVERSARY

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. SHAYS. Mr. Speaker, I rise today to pay tribute to oncology nurses. Oncology nurses play an important and essential role in providing quality cancer care. These nurses are principally involved in the administration and monitoring of chemotherapy and the associated side-effects patients experience. As anyone ever treated for cancer will tell you, oncology nurses are intelligent, well-trained, highly skilled, kind-hearted angels who provide quality clinical, psychosocial and supportive care to patients and their families. In short, they are integral to our nation's cancer care delivery system.

I congratulate the Oncology Nursing Society (ONS) on its 30th Anniversary. ONS is the largest organization of oncology health professionals in the world, with more than 31,000 registered nurses and other health care professionals. Since 1975, ONS has been dedicated to excellence in patient care, teaching, research, administration and education in the field of oncology. The Society's mission is to promote excellence in oncology nursing and quality cancer care. To that end, ONS honors and maintains nursing's historical and essential commitment to advocate for the public good by providing nurses and healthcare professionals with access to the highest quality educational programs, cancer-care resources, research opportunities and networks for peer support. ONS has two chapters in my home state of Connecticut, which help oncology nurses provide high quality cancer care to patients and their families in our state.

Cancer is a complex, multifaceted and chronic disease, and people with cancer are best served by a multidisciplinary health care team specialized in oncology care, including nurses who are certified in that specialty. Each year in the United States, approximately 1.37 million people are diagnosed with cancer, another 570,000 lose their battles with this terrible disease, and more than 8 million Americans count themselves among a growing community known as cancer survivors. Every day, oncology nurses see the pain and suffering caused by cancer and understand the physical, emotional, and financial challenges that people with cancer face throughout their diagnosis and treatment.

Over the last ten years, the setting where treatment for cancer is provided has changed dramatically. An estimated 80 percent of all cancer patients receive care in community settings, including cancer centers, physicians' offices, and hospital outpatient departments. Treatment regimens are as complex, if not more so, than regimens given in the inpatient setting a few short years ago. Oncology nurses are involved in the care of a cancer patient from the beginning through the end of treatment, and they are the front-line providers of care by administering chemotherapy, managing patient therapies and side-effects, working with insurance companies to ensure that patients receive the appropriate treatment, provide counseling to patients and family members, in addition to many other daily acts on behalf of cancer patients.

I appreciate oncology nurses' dedication to our nation's cancer patients, and commend the Oncology Nursing Society for all of its efforts and leadership over the last 30 years. They have contributed immensely to the quality and accessibility of care for all cancer patients and their families, and I urge my colleagues to support them in their important endeavors.

DR. PATRICIA SENN BREIVIK HONORED FOR HER ESTEEMED SERVICE AS DEAN OF THE UNIVERSITY LIBRARY AT SAN JOSE STATE UNIVERSITY

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise to recognize the achievements

of Dr. Patricia Senn Breivik as she retires from her position as Dean of the University Library at San Jose State University. Dr. Breivik's was a leader of the collaboration between the San Jose Public Library and the San Jose State University—a merged library that opened in August 2003. As a result, the Dr. Martin Luther King, Jr. Library encompasses the spirit of Silicon Valley as an innovative model serving as the area's 21st century information hub.

It took 6 years to propose, plan, and execute an idea that evolved during a breakfast meeting between former San Jose Mayor Susan Hammer and former San Jose State University president Robert Caret. After Dr. Breivik inherited the idea, she went to work with the director of the San Jose Public Library to establish a center of exploration and learning that would serve the University's 27,000 students, 1,153 faculty and a busy city of 924,950 people.

During the time of the planning of this jewel, both libraries faced a steady erosion of support as a result of the passage of Proposition 13. In addition to shrinking coffers, the libraries also faced the challenge of having to remain open substantially more hours than either libraries had previously offered because of its increased patronage. Now, not only is the King Library co-owned and co-managed, it has one online system and one website. Library materials are accessible to all users and the staffs work together in technical services, reference, circulation and Information Technology support.

Within a year of its opening, the King Library garnered a number of prestigious awards. Among them is the 2004 Gale/Library Journal "Library of the Year" Award that was presented for innovative collaboration and acknowledged the cooperative planning between university and city officials in risk-taking and vision.

The King Library is one of the precious jewels of San Jose's cultural "necklace" of treasured museums, theaters, and historical landmarks. It serves as a place for friends to meet for a cup of coffee and discuss the latest news; a study hall for nerve-wracked students; and a place of learning, sharing and, of course, collaboration between people of differing education and income levels, ethnicity, language, culture and beliefs. Special thanks go to Dr. Breivik for her outstanding work.

HONORING THE CONTRIBUTION OF WEBB COUNTY DISTRICT CLERK MANUEL GUTIERREZ

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to honor the contributions and achievements of District Clerk Manuel Gutierrez, who has served the citizens of Webb County for 24 years.

Manuel Gutierrez is not only a model of professional success, but a model citizen. He has been reelected by the voters since he began his service; in fact, he has the distinction of currently being the longest-serving elected official in Webb County.

He brings to his work the passion and experience he has gained over the years. He

strives to improve himself through continuing education and professional enrichment. These efforts are evident through his superlative work and the trust the citizens put in him.

During his tenure, he has overseen improvements to the operations of his office that resulted in increased efficiency in a number of areas, most notably the local judicial process. The community is truly appreciative of innovators who streamline functions that save the taxpayers money, and he proves this time and again.

Manuel's wife, Esther, is employed with the Laredo Independent School District, and they form a couple who are dedicated to the betterment of their community. He has three children, Monica, Manuel Jr., and Miguel who doubtlessly are very proud of their parents.

Mr. Speaker, I am proud to speak in honor of Manuel Gutierrez, a true citizen who deserves the praise and gratitude of his community.

KENSINGTON COMMUNITY STORE SUCCESS STORY

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. MORAN of Kansas. Mr. Speaker, I rise today to recognize the selfless efforts of the citizens of Kensington, Kansas in their work to re-open their community's grocery store.

A little more than 19 months ago, this community's only grocery store closed. This town of 511 people immediately felt the loss of the store. Residents no longer had local access to basic necessities such as dry goods and fresh cuts of meat. The closest grocery store was in the county seat of Smith Center—nearly 15 miles away. I know that most Members of Congress do not have to concern themselves with whether their communities have a grocery store. However, for many of the communities in my district, keeping the local grocery store open is a constant struggle.

The citizens of Kensington decided to take action. Following a community meeting, board members were elected to form the Kensington Community Store, Incorporated. This organization was created to oversee the construction and development of a non-profit community grocery store with noon deli.

Since that time, support for the project has been impressive and inspiring: the Kensington city council committed to construct a 60' x 75' steel building; several lots of ground were donated for building construction; community "work nights" were held to ready the store for opening; Vo-tech classes at the local high school constructed metal and wood shelves; the local Lions Club assisted with interior construction of the store.

All totaled, more than \$130,000 has been raised to support the project. Donations of all sizes have come from more than 250 individuals, businesses, clubs and foundations. The final piece of the puzzle fell into place when an agreement was reached to share wholesale supply delivery dates with a grocery store in a community 27 miles down the road. The arrangement allows the store in Kensington to sell merchandise at competitive prices.

Thanks to a team effort, the Kensington Community Store is now a reality. According

to John Struckhoff, chairman of the committee that organized the project, having a grocery store back in town provides an anchor business that can be used to attract other businesses to Kensington. It also helps stabilize property values and provides citizens of all ages a place to purchase groceries without having to leave town.

Mr. Struckhoff also noted that the whole experience has resulted in other benefits. "It is amazing how many individuals and groups donated money and time to this project," Struckhoff said. "This shows how a small town in Kansas can come together to support a project that provides a common good to all citizens. It really makes you proud to live in Kensington."

All across the State of Kansas are stories just like this one. Of neighbors helping neighbors, not because they have to, but because they want to. Because it is the right thing to do. Their efforts deserve our support and recognition.

Citizens throughout the First Congressional District of Kansas are working together to enhance the quality of life in their communities. The Kensington Community Store is a success story that demonstrates how teamwork and creative thinking can make a positive difference in rural America.

IN RECOGNITION OF 'HERO OF THE STORM' NOMINEES

HON. JOHN T. SALAZAR

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. SALAZAR. Mr. Speaker, I rise today to honor the crew of the St. Mary's Hospital Careflight Unit in Grand Junction, Colorado.

Pilot Richard Fowler, Nurse Mary Bagshaw and Bradley Brown have been nominated for the Hero of the Storm award, in recognition of their courageous actions when their medical airlift plane was downed in the Rocky Mountains during a winter storm. The crew defied the odds, survived in the freezing weather and saved the life of a 2-year-old patient already in poor condition.

I am humbled by their strength and perseverance in the face of such hardship. We all salute the bravery of these three extraordinary people, who risked their lives to save others. These everyday citizens embody the values of courage and duty and we should all live by their example.

HONORING THE CONTRIBUTIONS OF FRIO COUNTY CONSTABLE TED NIETO

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to recognize Frio County Constable Ted Nieto for his exceptional career in law enforcement.

Ted Nieto was elected as the Constable for Precinct Four in January 2004, but has been actively serving his community for the last ten years. He received his law enforcement certification at Southwest College and is currently

working to obtain his police license from San Antonio College.

He believes in establishing a solid law enforcement agency that is committed to the needs of the community, and has devoted his department to serve the public with honesty and integrity.

Constable Nieto is an excellent example of an elected official who understands the needs of his community. The mission for his department is to promote safety in the community by enforcing court orders, supporting early intervention activities, and to work together with neighboring law enforcement agencies.

Constable Nieto is a man who believes in the value of community involvement and intervention. Currently he is the District 19 region coordinator for the Special Olympics of Texas. As well as the present coordinator for the annual law enforcement torch run and the youth leader for the Catholic Youth Organization.

Constable Nieto has four children, Jedlin and Christina age 18, Shantelle age 10 and Issiah age 6.

Mr. Speaker, I am proud to honor Frio County Constable Ted Nieto for his dedication and service to the community.

IN HONOR OF MS. ELEANOR WASSON'S 97TH BIRTHDAY

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. FARR. Mr. Speaker, I rise today to congratulate a truly remarkable woman who is celebrating her 97th birthday this month. Ms. Eleanor Wasson, a woman locally known as the "great connector" originally lived in Beverly Hills with her husband, the head of the legal department for 20th Century Fox movie studio. There, Ms. Wasson mingled with friends such as Celeste Holm, Claudette Colbert, Betty White and Will Rogers. In between volunteering, caring for her children, and working as an activist, she was named the Coordinator of Volunteer Services for UCLA, and was also appointed to California Governor Earl Warren's Mental Health Commission.

After her beloved husband, George, passed on, Eleanor decided to sell her home in Santa Monica Canyon and move to Santa Cruz at the age of 81. A woman deeply committed to the community around her, Ms. Wasson has adopted several causes to make the world a better place. She has served on the boards of both Earth Save and Women Rise for Global Peace. Her activism is rooted in her desire to work for peace, having been deeply affected by WWI as a child.

Mrs. Wasson's kindness and acceptance for others is truly legendary. Weekly, she invites both a local Catholic Priest and Robert White Mountain, an elder of the Lakota Tribe, to discuss local and global concerns. While living in Los Angeles, she asked famous actors such as Reginald Denny, Leon Ames, and Tyrone Power to dance with women at the psychiatric ward where she was volunteering her time.

In addition to being a peace activist, a volunteer, and mother, Mrs. Wasson is also an author. She has written a successful autobiography entitled 28,000 Martinis, published in January 2004. In 28,000 Martinis, Mrs.

Wasson's positive and optimistic approach to life is captured, ultimately lending her energy, vibrancy and creativity to all who read the book. Through her own life story, she is able to demonstrate that goodwill, knowledge and action are the keys to enriching one's own life, as well as those around you.

Mr. Speaker, I would like to express my deepest gratitude and admiration for this vibrant and loving woman. Eleanor's social and environmental activism and her kindness towards all have infinitely improved the culture and character of the 17th district. I am honored to wish her a happy 97th birthday on behalf of myself, and the community that values and loves her.

COMMEMORATING THE 90TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. COSTA. Mr. Speaker, I rise today to commemorate the 90th anniversary of one of history's most terrible tragedies, the Armenian Genocide.

On April 24, 1915, 300 Armenian leaders, intellectuals and professionals were rounded up in Constantinople, deported and killed, under orders from the Young Turk government. This was the beginning of a campaign of terror resulting in the deaths of 1.5 million Armenians and the deportation of more than 500,000.

The government of the Ottoman Empire justified this policy by claiming it was necessary to suppress revolts being launched by Armenians as a consequence of the ongoing military operations of World War I. This assertion was patently denied by survivors and witnesses. United States Ambassador to the Ottoman Empire Henry Morgenthau reported at that time, "Deportation of and excesses against peaceful Armenians is increasing and from harrowing reports of eyewitnesses it appears that a campaign of race extermination is in progress under a pretext of reprisal against rebellion."

Not content with perpetrating this atrocity, the Young Turks denied the genocide had taken place. Generations have since been raised denying this tragedy. Such denials are refuted by the archival documents and firsthand accounts found in such recent scholarly works as Peter Balakian's *The Burning Tigris* and Samantha Power's *A Problem From Hell*. Director Atom Egoyan presented the horror of the siege of Van in his film *Ararat*, which was based, in part, on the memoirs of Clarence Ussher, an American physician and missionary working in Turkey at the time. To those who suggest that this ruthless genocide of a people and culture did not happen, I ask, what further testimony could the world possibly want?

Mr. Speaker, for myself and my constituents, I rise today to urge those who deny this genocide to accept it as fact. Only then can we move forward and stop these atrocities from repeating themselves over and over again.

HONORING THE CONTRIBUTIONS
OF JIM CARSON

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize the many accomplishments of Jim Carson, the Seguin High School Physical Education Teacher and Head Football Coach.

Coach Carson has been teaching for thirty years, two of which were spent with San Antonio Independent School District as head football coach of the Seguin Matadors. Coach Carson received his Bachelor of Science in Physical Education and Health from Texas Tech University and a Master's degree from Sul Ross State University. Coach Carson has a special place in his heart for his students, and has made a significant impact on them.

Coach Carson says that the most rewarding part of being an educator is working with young people as they grow into productive citizens. He stresses that guiding and tutoring them through crucial years of their development is a responsibility that should not be taken lightly. He expects the coaches who work for him to not only guide each student through their journey but to take an active part and know what is happening in each student's life. Coach Carson says that as part of a sports coaching program, "tutoring, counseling and listening to whatever the young man or woman needs is provided."

Through his initiative, energy, and commitment, Coach Carson proves to be an exemplary teacher and coach, and a blessing to the people in his high school and community in Seguin. I am pleased to have the chance to honor him here today.

TRIBUTE TO DOROTHY L. MOORE

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. CARDIN. Mr. Speaker, I rise today to pay special tribute to Dorothy L. Moore upon her retirement as Executive Director of the Howard County Community Action Council. A life-long resident of Howard County, Maryland, Dottie has devoted her life to improving our community.

Dottie began her 36-year career with the Community Action Council as a caseworker in 1969. As Executive Director of the agency, she administered an annual budget of \$1.3 million. Dottie was instrumental in developing Howard County's first Senior Programs for African Americans and the first shelter for homeless persons. She also was important in the development of Howard County's first Homeless Care program, Mentoring Program for African-American males, the Family Support Center at Hilltop and Healthy Families Howard County.

One of Dottie's greatest achievements was the 2002 opening of the Dasher Green Head Start Center. Her many community involvements also include serving as chair of the Howard County Human Rights Commission, and, in 2001, she was inducted into the Howard County Women's Hall of Fame.

Dottie has also turned her attention to international concerns. She has been involved in efforts to fight poverty and provide educational opportunities for children in Ghana and Zimbabwe. In 2001, her work was recognized by Ghana when she was crowned Queen Mother of the Bretuo Clan in Asiakwa, where she is spearheading efforts to build a preschool and school.

I urge my colleagues in the U.S. House of Representatives to join me in celebrating the achievements of Dottie Moore. Her commitment and dedication to our community has been an inspiration to all of us.

HONORING THE CONTRIBUTIONS
OF MARISELA GALEANA, MER-
CER BLUMBERG LEARNING CEN-
TER

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize the many accomplishments of Marisela Galeana, of the Mercer Blumberg Learning Center of Seguin, Texas.

Ms. Galeana teaches Health, Physical Education, Spanish and English as a Second Language to children in grades nine through twelve at the Learning Center. She holds a Bachelor of Science degree in Kinesiology and Health from the University of Texas at San Antonio.

Through her years of teaching Ms. Galeana finds that her most rewarding experience occurred four years ago when one of her students chose to honor her at the high school HERO's dinner, an annual event where top students and student leaders honor the Seguin ISD employee who has had the most positive effect on his or her life. Ms. Galeana said that she was honored, because she did not realize the influence she had on that student. She has said that to this day she has the medal she received hanging on her rear-view mirror.

Ms. Galeana continues to make a difference for her students, helping to turn them into successful lifelong learners. Marisela Galeana is an exemplary teacher, and a blessing to the people of Seguin. She has an excellent career ahead of her, and I wish her the best of luck.

PAYING TRIBUTE TO THE AMER-
ICAN FORUM FOR GLOBAL EDU-
CATION

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. HINCHEY. Mr. Speaker, at no time in our nation's history have Americans been more connected to the world than we are now—by trade and finance, media and culture, crisis and conflict. Yet there is mounting evidence that today's young students are ill equipped by our education system to serve themselves, or their country, in the international arena. It's no surprise that Bill Gates recently termed America's high schools as "obsolete" and as relevant as a 1950s mainframe computer.

A recent Gallup poll of 13- to 17-year-olds revealed that less than half could link Napoleon, Churchill and Indira Gandhi to their native countries. One in three could not identify Hitler with Germany. A Stanford University study notes that, while high school attendance broadened to near-universal enrollment over the last century, "students' ignorance of history has marched stolidly in place."

Retired IBM Chairman Lou Gerstner noted this perspective when addressing the National Education Summit: "Countries that have better education systems have stronger economies and are tougher competitors in the worldwide marketplace. America, therefore, is not so much becoming a nation of haves and have-nots as we are a nation of educated and uneducated."

I therefore am pleased to honor one organization dedicated to broadening the international focus of our education system, the American Forum for Global Education, which celebrates its 35th anniversary this year. The American Forum has been working to close the ignorance and apathy gap for hundreds of thousands of K-12 students for more than a generation. They have led the nation in shaping American teaching systems and providing opportunities for worldwide interaction and learning.

The American Forum has developed programs in partnership with the United Nations and the U.S. Departments of State and Education; other programs have dispatched scores of teachers and students to China, Turkey, Morocco, Vietnam and other important but relatively neglected outposts.

The American Forum's China Project is an excellent example of the organization's commitment to promoting a 21st century education. It addresses, in part, a Christian Science Monitor editorial citing Chinese as "a critical language . . . Without an emerging generation of Chinese speakers, the U.S. faces growing holes in intelligence gathering, trade relations, and cultural understanding." Chinese is the mother tongue to 874 million people (compared to 341 million who speak English), but far too few American children study it.

China Project participants are notable exceptions. Vanessa Baehr-Jones, a Tufts University graduate who majored in Chinese, is now looking for a government position to utilize her second-language skills. "Without the (American Forum's) China trip," she writes, "I would never have ended up studying the Chinese language." Patrick Franco, an Oxford University graduate, credits the program with his interest in "a career in diplomacy or business that would offer further exposure to China."

Dozens of other young adults who have benefited from American Forum programs here and in far-flung regions overseas now are benefiting the nation, as well as themselves. For 35 years, the American Forum for Global Education has led the way, and I applaud them.

HONORING THE UWCHLAN
AMBULANCE CORPS

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. GERLACH. Mr. Speaker, I rise today to honor the Uwchlan Ambulance Corps for their 30 years of dedicated service to the citizens of Chester County, Pennsylvania.

The Uwchlan Ambulance Corps was started in 1975, by a group of Chester County residents who recognized the need for a non-profit volunteer service in their community that could provide emergency medical services for those in need. This motivated group of citizens had a vision to provide critical emergency care to their neighbors and this vision has lived on and thrived throughout the past 30 years.

Today, the Uwchlan Ambulance Corps still operates a non-profit organization that provides 24 hour protection from their two community-based stations. They have four Advanced Life Support/Basic Life Support ambulances and two Advanced Life Support paramedic units at their disposal. The Corps prides itself on its keen ability to grow and expand their unit to match the needs of their quickly expanding community.

The Corps covers nearly 45 square miles of territory ranging from rural Chester County to the more heavily developed areas in the community. Of the 70,000 residents and nearly 60,000 visitors and merchants in Chester County, there has been an average of 2,700 calls each year to the Uwchlan Ambulance Corps. With 60 active volunteers and 12 full-time staffers, the Uwchlan Ambulance Corps raises the bar in the region for exceptional emergency medical service.

Furthermore, the Uwchlan Ambulance Corps has contributed to their community on many different levels. The volunteers work diligently to provide numerous educational opportunities for the community, along with several outreach programs. The Corps also participates in capital campaigns, and building renovations, all of which are successful attempts to ensure the survival of this thriving ambulance corps. They work efficiently and swiftly with the changing needs of their community and in turn provide an outstanding service to the citizens.

Today, the Uwchlan Ambulance Corps prides itself on providing high-quality emergency and medical transportation services to the ill and injured citizens of Chester County, Pennsylvania. Mr. Speaker, I ask that my colleagues join me today in honoring the Uwchlan Ambulance Corps for their commitment to providing quality care, and community service to the region. It is an honor to recognize an organization that selflessly provides for its community each day and in turn creates a better quality of life for the citizens of Chester County, Pennsylvania.

DEMS PLAYING POLITICS WITH
MAJORITY LEADER DELAY

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. GARRETT of New Jersey. Mr. Speaker, Social Security is in major trouble, hundreds of

thousands of Americans still I need the opportunity to obtain health insurance, and much more work must I be done to secure our ports and borders.

Yet the Democrats must have all those important issues solved because they are wasting all their time playing politics and making unsubstantiated accusations against United States House Majority Leader, TOM DELAY.

Like their stance on most important issues, facts seem to matter very little to most Democrats. They have done nothing to help create jobs in this country. Nothing to help lower the cost of health care, nothing to help root out waste, fraud and abuse of the people's money, and to date, have not presented one plan to save Social Security.

Yet they make politically motivated, unsubstantiated accusations without any evidence against Majority Leader DELAY and because they know that an investigation would clear his name, they are now putting up road blocks for the Republicans on the Ethics Committee to do their job.

My friends on the other side of the aisle, your constituents need more from you than this. Voters sent you here for a purpose; I don't think these childish games are what they had in mind.

RECOGNIZING THE DISTINGUISHED
SERVICE OF COLONEL JOHN R.
BATES, USMC

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. ISSA. Mr. Speaker, I rise today to honor the 33 years of dedicated service of Colonel John R. Bates to our Nation and the United States Marine Corps.

Colonel Bates dropped out of college in 1966 to enlist in the United States Marine Corps, then Private Bates was trained as both an infantryman and a machine gunner, and deployed to Vietnam where he was assigned to Golf Company, 2nd Battalion, 5th Marines. In Vietnam, he participated in eight major combat operations and many more unnamed battalion and smaller hostile-fire operations. He was wounded in combat three times, the most serious of which resulted in the loss of much of his right lung by an enemy machine-gun round. Bates was promoted to the rank of Sergeant while serving in Southeast Asia. While in Vietnam, he held the billets of Fire Team Leader, Squad Leader, and acting Infantry Platoon Commander. After thirteen months in Vietnam, then-Sergeant Bates was ordered to Camp Pendleton, California, and assigned as a Troop Handler for the 2d Infantry Training Regiment and was subsequently discharged due to medical disabilities attributed to his earlier wounds.

Re-entering college using the GI Bill, state rehabilitation funding, and a disability pension, Bates completed his Bachelor of Science and Education degree, followed by a Master of Science degree from the University of Central Arkansas. In 1975, seven and a half years after his medical discharge, his repeated requests to compete for a commission were granted and in November of that year he was commissioned a Second Lieutenant of Marines at Quantico, Virginia. Upon completion of

the Basic School, he was awarded an infantry MOS and assigned to Charlie Company, 1st Bn, 7th Marines at Camp Pendleton as an infantry platoon commander. Lt. Bates' next assignment was as Service Company Commander at Camp Courtney, Okinawa. Returning to the United States and promoted to Captain, he assumed duty with the 12th Marine Corps District Recruiting Command at Treasure Island, California. His following duty assignment was that of Inspector Instructor for Echo Co, 2nd Bn, 23rd Marines, at San Bruno, California. Promoted to Major, Bates was next assigned to Kaneohe Bay, Hawaii as the "Group Grunt" for Marine Air Group Two-Four. There he flew numerous hours in both fixed wing and rotary wing aircraft. After two years at the MAG, he was assigned Executive Officer for 1st Bn, 3rd Marines, and later as the acting commander of that battalion during Desert Shield and Desert Storm hostilities in Saudi Arabia and Kuwait. Returning from the Persian Gulf in the spring of 1991, Major Bates was assigned as the S-3, Operations Officer, of The Basic School, Quantico, Virginia, and was subsequently promoted to the rank of Lieutenant Colonel. Following that assignment, in 1994 LtCol Bates was ordered back to Hawaii and assumed the duties as the G-3 Ground Operations Officer for Marine Forces Pacific, spending much of the time in Korea, Japan and other areas of the Far East.

In 1996, LtCol Bates assumed command of 2nd Bn, 3rd Marines, and deployed the battalion to Okinawa, mainland Japan, Korea, and Hong Kong. Promoted to Colonel in 1998, Bates was transferred to become the Fleet Marine Officer, Second Fleet, in Norfolk, Virginia. In 2000, Col Bates was next assigned to Seventh Fleet, headquartered in Yokosuka, Japan, where he commanded Task Group 71.34, as the Fleet Anti-Terrorism Officer, requiring duty in much of Asia, Australia, New Caledonia and Micronesia.

His present assignment is as Assistant Chief of Staff for Operations and Training, Marine Corps Base, Camp Pendleton. In February of 2003, Col Bates assumed the duties as the Liaison Officer for I Marine Expeditionary Force to Marine Forces Central Command in Kuwait, Bahrain and Iraq and participated in Operation Iraqi Freedom. He has completed the resident courses of Amphibious Warfare School and the U.S. Marine Corps Command and Staff College. Bates holds life membership in the Disabled American Veterans. He is an avid ultra-distance runner, having completed more than 50 marathons and in 1986 was co-holder of the American Record for the 146-mile run from Badwater, California, (Death Valley) to the summit of Mt. Whitney. He is an experienced and current Military Free-Fall parachutist and civilian USPA "D" licensed skydiver. His personal awards include the Legion of Merit, Purple Heart with two gold stars, the Meritorious Service Medal with two gold stars, the Combat Action ribbon with one gold star, and the Navy/Marine Corps Achievement Medal with one gold star. He is married to the former Stephanie Tucker of St. Louis, Missouri. They have one son, 1st Lt. Joshua Rustin Bates, currently the S-3 Alpha for 1st Bn, 7th Marines.

On behalf of the American people whom Colonel Bates spent a career serving, I thank him for his service, honor and commitment to our country.

HONORING ROBERT KERRICK

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to pay public tribute to a remarkable individual from my home district. Robert Kerrick, principal of Hancock County High School, is retiring this spring, bringing his distinguished 30 year career as an educator to a close.

Before becoming principal, Mr. Kerrick completed a 14 year tenure as a teacher and one year as an assistant principal in the Hancock County school system. During his 15 years as principal, Hancock County High School has been a consistent recipient of academic and athletic honors including CATS Top 10 and Blue Ribbon School distinctions along with numerous state and regional championships in men's and women's team sports. In 2003, Mr. Kerrick received the prestigious Dawson Orman Award from the Kentucky Association of Secondary School Principals, naming him Kentucky's most outstanding high school principal.

I applaud Robert Kerrick's accomplishments in public education, an occupation of great responsibility and ever greater reward, motivating young people to recognize and develop their talents and abilities. On behalf of so many in Hancock County, I would like to express my profound appreciation for his service and inspiration to the countless men and women who have benefited from his generosity and vision.

It is my great privilege to recognize Robert Kerrick today, before the entire U.S. House of Representatives, for his many achievements as an educator. His unique dedication to the development and well-being of young people and the communities they now serve make him an outstanding citizen worthy of our collective honor and respect.

SOCIAL SECURITY PERSONAL SAVINGS GUARANTEE AND PROSPERITY ACT OF 2005
HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. RYAN of Wisconsin. Mr. Speaker, I rise to introduce new legislation that will ensure Social Security lives up to its promise for all Americans, now and in the future. My legislation, the Social Security Personal Savings Guarantee and Prosperity Act of 2005, will give all workers access to a more prosperous retirement through the establishment of personal savings accounts within the current Social Security system. This voluntary proposal maintains a strong safety net guaranteeing that workers would receive at least as much as Social Security promises under current law, without changing survivors' or disability benefits. Furthermore, this plan achieves full and permanent solvency for Social Security, and reduces debt and payroll taxes over the long term.

Mr. Speaker, the 2005 Social Security Trustees Report tells us that beginning in 2017, Social Security will begin to pay out more in ben-

efits than it receives in tax revenues. Then; in 2041, the Social Security Trust Fund will be exhausted. All analysts point to changing demographics as the primary factor driving Social Security into a deeper hole every year. In 1950, there were 16 workers supporting each retiree. Now, with the number of workers supporting each recipient projected to fall from 3.3 today to 2.3 in 2025, the mission is very clear: we must act now to strengthen and sustain Social Security.

By establishing personal accounts within the Social Security system, we can give every American worker the choice of building a nest egg for his or her retirement. With personal retirement accounts, every worker will become a laborer and a capitalist earning a much higher rate of return on their payroll tax dollars than the current system can currently offer them. Furthermore, I firmly believe that there is no better way to bridge the wealth gap and decentralize the concentration of wealth in America than to adopt personal accounts like the ones I am proposing.

Mr. Speaker, this legislation not only gives workers a better deal for their retirement, but it is also a blueprint for permanent solvency for Social Security, long-term debt reduction and payroll tax relief for all American workers. This plan works to help control the growth rate of government spending and make sure the short-term Social Security surpluses are devoted to strengthening Social Security instead of other spending. Most importantly, this plan gives every worker the chance to have real wealth and become an owner in our free enterprise system.

THE 90TH ANNIVERSARY OF THE ARMENIAN GENOCIDE
HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. GARRETT of New Jersey. Mr. Speaker, I rise today to acknowledge and remember the 90th Anniversary of the Armenian Genocide, the mass killings and forced exile of countless Armenians in the final days of the Ottoman Empire. The suffering that befell the Armenian people in 1915 is a tragedy for all humanity, which the world should not forget.

In the years since, descendants of Armenian immigrants have clung to their identity and have prospered across this nation and throughout the world. The United States is fortunate to be home to an organized and active Armenian community, whose members contribute and participate in every aspect of civic life.

By properly recognizing the atrocities committed in 1915, we honor America's historic leadership and remind the world of the democratic and humanitarian values on which our country is founded. In this period of heightened international conflicts, this message is most timely.

The United States must never allow crimes against humanity to pass without remembrance and condemnation. As U.S. efforts to aid victims of genocide continue, it is imperative that we pay tribute to the memory of others who have suffered and to never forget the past.

SMALL BUSINESS HEALTH FAIRNESS ACT OF 2005
HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Ms. LEE. Mr. Speaker, my name was placed on H.R. 525, the "Small Business Health Fairness Act of 2005" by mistake, and even though House rules at this point prohibit my removal as a cosponsor, I want to make clear without a shadow of a doubt that I do not support H.R. 525.

I believe access to health care is a basic human right and H.R. 525 in its present form does nothing to make that right a reality. The House voted on Associated Health Plans twice in the 108th Congress and I voted against it both times. If this bill comes to House Floor for a vote again in its present form, I will oppose it.

Although I understand the demands and challenges that small business owners face with regard to providing affordable, comprehensive health care for their employees, H.R. 525 is not the answer.

The answer is putting people before profit in our health care system.

CONGRATULATING THE DEL VALLE HIGH SCHOOL CONQUISTADORS ON WINNING THE TEXAS CLASS 4A SOCCER CHAMPIONSHIP
HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. REYES. Mr. Speaker, on Saturday, April 16, a group of outstanding young men from my district in El Paso, Texas, won the boys Class 4A Texas high school soccer championship. The Conquistadores of Del Valle High School played against some of the best high school talent in the country, defeating the Aledo Bearcats 3-2.

I would like to congratulate the Conquistadores—Ivan Grajeda, Julian Barbosa, Erick Solis, Irving Gallardo, Robert Macias, Elias Gutierrez, Abelardo Valles, David Camarena, Javier Ruvalcaba, Oscar Herrera, Daniel Lopez, Alberto Rivera, Adrian Muñoz, Juan Rodriguez, Walter Villalobos, Jose Escarcega, Nazael Reynosa, Diego Armando Ruiz, Charles Gonzalez, Alberto Moreno, Hector Picazo, and Alex Villalobos—on their tremendous achievement. The team is coached by Bruce A. Reichman and Oswaldo Vasquez.

The Del Valle Conquistadores displayed a commitment to working together toward a common goal during their state championship season. They won with a remarkable combination of skill, endurance, and teamwork.

Mr. Speaker, over the course of a season, these young men have helped instill a great sense of pride in their school and the entire community. El Paso is truly proud of its champions. I urge my colleagues to join me in congratulating the Del Valle High School Conquistadores on their victory.

RECOGNIZING SAN JACINTO DAY
2005

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. GENE GREEN of Texas. Mr. Speaker, today marks the Battle of San Jacinto, the victory of independence for Texas from Mexico—the greatest State in the Union in my opinion. This day reminds the world that Texans refuse oppression from any source.

On April 21, 1836, 169 years ago, approximately 900 Texans and Tejanos volunteers overpowered a larger, professional Mexican army. Today, Texans are celebrating all day at the San Jacinto Battleground State Historic Site in our congressional district, including impressive historic re-enactments.

Less than 100 years after American patriots threw off the tyrannical British Empire's military domination, Texans and Tejanos succeeded in a similar struggle against a military dictator, General Santa Anna.

In the words of the Texas Declaration of Independence, the people's government had been "forcibly changed, without their consent, from a restricted federative republic, composed of sovereign states, to a consolidated central military despotism."

Military dictatorships are the world's most notoriously evil governments and the moral justification for the Texas Revolution is equally applicable to certain countries today. Unfortunately, as Texans know, freedom requires great sacrifice.

After the tragedy at the Alamo, Texan and Tejano forces retreated, but in late April 1836, they took a stand on the banks of the bayous outside Houston, Texas.

As a result of their bravery, the nation, and then the State of Texas were born. Like the American Revolution, the Texan Revolution brought many different people together fighting military oppression.

The Texas Revolution proves the bands of freedom are stranger than ethnicity, as many Tejanos proved at Gonzalez, Bexar, Goliad, the Alamo, along the banks of the San Jacinto River, and in the government of the Republic of Texas.

Like on July 4th, on San Jacinto Day Texans celebrate the achievements of our patriots, and give thanks for our opportunity to have representative government.

Thank you Mr. Speaker, God bless Texas.

COMMEMORATING THE 35TH
ANNIVERSARY OF EARTH DAY

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Ms. SOLIS. Mr. Speaker, I rise to commemorate the 35th anniversary of Earth Day.

I have seen first hand the damage that environmental injustices bring to poor and underserved communities. Growing up in Los Angeles County, my community was plagued by bad air and industrial wasteland. In Los Angeles, 60 percent of the facilities that produce the most toxic waste are located in minority and low-income communities. My predomi-

nantly Latino district is spoiled by dozens of abandoned gas stations with leaking fuel tanks, four Superfund sites, 17 gravel pits, and one of the country's most polluted watersheds.

The environmental issues I focus on all have one thing in common—they directly affect our health. As a public servant, one of my goals is to make sure that our environment is protected, restored, and most importantly, safe for our families, wherever they live.

Since he first took office in 2001, President Bush's policies have hurt our health, worsened our air quality, and destroyed the quality of our drinking water. Worse, President Bush refuses to make polluters pay for the cleanup of these sites at all, and the cleanups that are occurring are being paid for by the taxpayers.

The administration's misguided policies, like Clear Skies, will worsen our air quality, increasing asthma, bronchitis and lost days at work across the country. This policy will do nothing to help and everything to harm the over 70 percent of all Latinos and African Americans who live in counties that violate federal air pollution standards. As a result, the 35,000 cases of asthma in the San Gabriel Valley will increase, and there will be 14,000 more lost days of work and 175 more cases of bronchitis in Los Angeles County.

As we observe Earth Day 2005, it is critical that we continue to fight to make sure future generations are healthy, their air quality is safe and they have a secure supply of drinking water.

MARIE SMITH TURNS 50

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 2005

Mr. SMITH of New Jersey. Mr. Speaker, Marie Smith, my dear wife of 27 years and mother of our four wonderful children, turns 50 on Monday, April 25.

And although I've known, deeply loved and cherished Marie for more than three decades, I find that mere words are inadequate to convey just how remarkable, unique and special she is.

She's amazing.

Marie Smith is a strong woman of abiding faith in Christ, rock solid character, generosity and goodness. She radiates the love and compassion of Christ to family, friends and strangers alike with a gentle piety and grace. She has class and self-confidence yet is humble and extremely kind. She always looks out for the underdog—especially a child left behind.

Marie has a great sense of humor and always makes people feel at ease and welcome. I just love the way she laughs and smiles. She is my best friend—and I love her so.

Marie and I met in 1974 at a prayer meeting at college. For me, it was love at first sight. For her, well, it took a while. We worked on pro-life issues—she eventually became president of the organization—and early on recognized the life changing core value found in Matthew's Gospel, the 25th chapter, when Jesus said "Whatsoever you do to the least of My brethren, you do unto Me." We grew to understand that God Himself identified with—was one with—anyone, anywhere who was

weak, vulnerable, unwanted or disenfranchised. That meant unborn babies killed by abortion, their moms, the hungry, trafficked women, the homeless, disabled and sick persons and others who are being exploited or are at risk. That meant all of the "least" were all of infinite value and worth to God. It revolutionized our private and public lives.

An honor student in both high school and college and a voracious reader, Marie is very smart and has that rare quality that enables her to grasp, understand and solve complex problems. She often "sleeps on a problem" and awakes in the morning with the answer. She is very creative and effectively thinks both inside and outside the box. Her advice and counsel over the years have been priceless.

In the early years, Marie worked as a first grade teacher at St. Hedwig's School in Trenton and thrived on it before devoting herself fulltime to the upbringing of our kids. Today, she works for Feminists for Life and pours herself into efforts to protect women and children from violence and cruelty.

Our two girls and two boys richly benefited from Marie's warmth, kindness and dedication. She was always there for them. Always. Melissa, Chris, Mike and Elyse always knew—and know—beyond a shadow of a doubt that they were number one in her life—our lives—and that there were no favorites in our household.

Marie is the quintessential multi-tasker—teacher, nurse, chef and homework checker as well as soccer, baseball, lacrosse and basketball Mom.

Our kids have always known, beyond a shadow of a doubt, that they are much loved, much wanted, much cared for and much prayed for. It is both a comfort and encouragement to know that Marie intercedes for and gives thanks to the Lord unceasingly for our family and our friends.

Our kids greatly value and appreciate their mother, and I now defer to them to elaborate:

This April 25th, I am so happy to celebrate my mom's 50th birthday. The world is certainly a better place because of her! Mom has been the steady rock in my and my siblings' lives—always there with an answer, suggestion, open ear, love and support. She sincerely mourns our disappointments and enthusiastically celebrates our accomplishments. Mom has helped me find my way through the many choices and challenges that are inevitable in the formative years, and as a married adult now, I still often seek her advice, and will continue to do so.

Mom's "can-do" outlook makes anything possible, whether it's a stubborn word problem, science fair project, search for the perfect prom dress, or wedding centerpieces. She always poses thoughtful suggestions and selflessly offers help until the task is done or the decision is made. Her patience and flexibility are unceasing, or at least always seem to be!

Mom brings special touches into everyday life—notes in lunches, candy found in a suitcase while traveling, favorite treats for no reason, and thoughtful unexpected gestures that remind me just how much she really knows me. Holidays and special occasions are always made extra special, the essential part being that the family is together. I have learned from my mom the value of family, and the importance of unconditional love and total faith in Christ.

In our house my mom had a sign that read, "Home is where the heart is." And while I love the house I grew up in, I know that "home" will always be where Mom is—for

she is the heart of our family.—Melissa Smith Clement.

The way Mom tucked me in at night always brought pleasant dreams.

On waking, my groggy head would hear her laughter and wonder, “How is anyone so joyful in the morning?”

Throughout the day I would watch her with affection. Her love went into even the simplest of things. I was always moved by the tenderness with which she read a book, folded a shirt, or made a sandwich.

Now when I hear her laugh, it conveys her innocence; the years must make her younger. Do you see the confidence in her stride? The years must make her wiser. Judging by the length of her smile, her heart must be growing bigger.

I celebrate my mom on this day in April, celebrate my mom every day.—Chris Smith.

The most reliable and compassionate. The most outgoing and joyous. My mother is more than I could ask for. She has always given everything she possibly could without a second thought. She has always gone above and beyond to show her love for my siblings and me. I love her so much and wish her a happy birthday!—Mike Smith.

This week, we will be celebrating the 50th birthday of my mom. For 50 years she has brought love and joy to each person she has met, most especially her family. Her gentle kindness and patient understanding communicates her deep love for her family. She does not just take care of our family physically, but spiritually and emotionally. I cannot count how many times she was the shoulder to cry on when one of us kids had a bad day, or how many words of praise she showered us

with when we did well in school or in sports. She is always there with words to guide us in our lives and in our faith.

As I have grown older, I have come to realize what an intelligent, wise and loving woman Mom is. Each day she gives of herself for our family and sets an example for us a Christ-centered life. She inspires us to turn to God and trust in His care. Mom is not afraid to stand up for her beliefs, and she has dedicated her life to living the Gospel of Christ. It is impossible to adequately describe the love and care which Mom selflessly gives each day. I feel sincerely blessed to call such a wonderful woman “mom” and I pray that she will have many more birthdays in the years to come. I love you Mom!—Elyse Smith.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S4139–S4157

Measures Introduced: Three bills were introduced, as follows: S. 890–892. **Page S4151**

Transportation Equity Act: Senate began consideration of the motion to proceed to consideration of H.R. 3, to authorize funds for Federal-aid highways, highway safety programs, and transit programs. **Page S4157**

A unanimous-consent agreement reached providing for further consideration of the motion to proceed to consideration of the bill at 2 p.m., on Monday, April 25, 2005. **Page S4157**

A motion was entered to close further debate on the motion to proceed to consideration of the bill and, notwithstanding the provisions of Rule XXII of the Standing Rules of the Senate, and pursuant to the unanimous-consent agreement of Friday, April 22, 2005, a vote on cloture will occur at 11:45 a.m., on Tuesday, April 26, 2005. **Page S4157**

Measures Placed on Calendar: **Page S4151**

Additional Cosponsors: **Page S4151**

Statements on Introduced Bills/Resolutions:

Pages S4151–57

Additional Statements:

Pages S4149–51

Authority for Committees to Meet: **Page S4157**

Adjournment: Senate convened at 9:30 a.m., and adjourned at 11:05 a.m., until 2 p.m., on Monday, April 25, 2005. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S4157.)

Committee Meetings

(Committees not listed did not meet)

DEFENSE AUTHORIZATION

Committee on Armed Services: Subcommittee on Emerging Threats and Capabilities concluded open and closed hearings to examine United States Special Operations Command in review of the Defense Authorization Request for Fiscal Year 2006, after receiving testimony from Thomas W. O'Connell, Assistant Secretary of Defense for Special Operations and Low Intensity Conflict; and General Bryan D. Brown, USA, Commander, U.S. Special Operations Command.

House of Representatives

Chamber Action

The House was not in session today. It will meet at 12 noon on Monday, April 25 in pro forma session and at 12:30 p.m. on Tuesday, April 26 for Morning Hour debate.

Committee Meetings

“THE NATIONAL PARKS: WILL THEY SURVIVE FOR FUTURE GENERATIONS?”

Committee on Government Reform: Subcommittee on Criminal Justice, Drug Policy and Human Resources

held a hearing entitled “The National Parks: Will They Survive for Future Generations?” Testimony was heard from Steve Martin, Deputy Director, National Park Service, Department of the Interior; Vin Cipolla, President, National Park Foundation; and public witnesses.

CONGRESSIONAL PROGRAM AHEAD

Week of April 25 through April 30, 2005

Senate Chamber

On *Monday*, at 2 p.m., Senate will resume consideration of the motion to proceed to consideration of H.R. 3, Transportation Equity Act.

On *Tuesday*, Senate will continue consideration of the motion to proceed to consideration of H.R. 3, Transportation Equity Act., with a vote on the motion to invoke cloture to occur at 11:45 a.m. thereon.

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: April 27, to hold hearings to examine the nominations: of Thomas C. Dorr, of Iowa, to be Under Secretary of Agriculture for Rural Development, and to be a Member of the Board of Directors of the Commodity Credit Corporation, 10:30 a.m., SR-328A.

Committee on Appropriations: April 26, Subcommittee on Transportation, Treasury, the Judiciary, and Housing and Urban Development, and Related Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2006 for the Department of the Treasury, 9:30 a.m., SD-138.

April 27, Subcommittee on Defense, to hold hearings to examine proposed budget estimates for fiscal year 2006 for the Department of Defense, 10 a.m., SD-192.

April 27, Subcommittee on Legislative Branch, to hold hearings to examine proposed budget estimates for fiscal year 2006 for the Sergeant at Arms, the U.S. Capitol Police Board, and the Capitol Guide Service, 11 a.m., SD-124.

April 28, Subcommittee on Homeland Security, to hold hearings for an overview of Bioterrorism and BioShield, 10:30 a.m., SD-192.

Committee on Armed Services: April 28, to hold hearings to examine defense intelligence in review of the Defense Authorization Request for fiscal year 2006; to be followed by a closed hearing in SR-222, 9:30 a.m., SD-106.

Committee on Banking, Housing, and Urban Affairs: April 26, to hold hearings to examine an update on money services businesses under bank secrecy and USA PATRIOT regulation, 10 a.m., SD-538.

Committee on Commerce, Science, and Transportation: April 26, to hold hearings to examine the nominations: of Maria Cino, of Virginia, to be Deputy Secretary of Transportation, and Phyllis F. Scheinberg, of Virginia, to be an Assistant Secretary of Transportation, 10 a.m., SR-253.

April 26, Full Committee, to hold hearings to examine the President's proposed budget request for fiscal year 2006 for the Transportation Security Administration and related programs, 2:30 p.m., SR-253.

April 28, Full Committee, to hold hearings to examine a bill relating to the use of Video News Releases (VNRs) by government agencies, 10 a.m., SR-253.

Committee on Energy and Natural Resources: April 26, to hold hearings to examine the status of the Department of Energy's Nuclear Power 2010 program, 10 a.m., SD-366.

April 26, Subcommittee on Public Lands and Forests, to hold hearings to examine the preparedness of the Department of Agriculture and the Interior for the 2005 wildfire season, including the agencies' assessment of the risk of fires by region, the status of and contracting for aerial fire suppression assets, and other information needed to better understand the agencies ability to deal with the upcoming fire season, 2:30 p.m., SD-366.

April 28, Subcommittee on National Parks, to hold hearings to examine S. 242, to establish 4 memorials to the Space Shuttle Columbia in the State of Texas, S. 262, to authorize appropriations to the Secretary of the Interior for the restoration of the Angel Island Immigration Station in the State of California, S. 336, to direct the Secretary of the Interior to carry out a study of the feasibility of designating the Captain John Smith Chesapeake National Historic Watertrail as a national historic trail, S. 670, to authorize the Secretary of the Interior to conduct a special resource study of sites associated with the life of Cesar Estrada Chavez and the farm labor movement, S. 777, to designate Catocin Mountain Park in the State of Maryland as the "Catocin Mountain National Recreation Area", and H.R. 126, to amend Public Law 89-366 to allow for an adjustment in the number of free roaming horses permitted in Cape Lookout National Seashore, 2:30 p.m., SD-366.

Committee on Finance: April 26, to hold hearings to examine proposals to achieve sustainable solvency regarding personal accounts, 10 a.m., SD-628.

April 28, Subcommittee on Social Security and Family Policy, to hold hearings to examine building assets for low-income families, 10:30 a.m., SD-628.

April 28, Subcommittee on Taxation and IRS Oversight, to hold hearings to examine encouraging savings and investment, 3 p.m., SD-628.

Committee on Foreign Relations: April 26, to hold hearings to examine the Millennium Challenge Corporation's global impact, 9:30 a.m., SD-419.

Committee on Health, Education, Labor, and Pensions: April 26, Subcommittee on Retirement Security and Aging, to hold hearings to examine mending the pension safety net, 10 a.m., SD-430.

April 27, Full Committee, business meeting to consider S. 655, to amend the Public Health Service Act with respect to the National Foundation for the Centers for Disease Control and Prevention, proposed Patient Navigator Outreach and Chronic Disease Prevention Act of 2005, and S. 518, to provide for the establishment of a controlled substance monitoring program in each State, 10 a.m., SD-430.

April 28, Full Committee, to hold hearings to examine access and accountability relating to providing quality post-secondary education, 10 a.m., SD-430.

Committee on Homeland Security and Governmental Affairs: April 27, to hold hearings to examine how vulnerable the U.S. is to chemical attack, 10 a.m., SD-562.

April 28, Oversight of Government Management, the Federal Workforce, and the District of Columbia, to hold hearings to examine the Department of Defense's business practices, focusing on business transformation, 2 p.m., SD-562.

Committee on Indian Affairs: April 27, to hold oversight hearings to examine regulation of Indian gaming, 9:30 a.m., SR-485.

Committee on the Judiciary: April 25, Subcommittee on Intellectual Property, to hold hearings to examine the patent system today and tomorrow and perspectives on patents, 1:30 p.m., SD-226.

April 26, Full Committee, to hold hearings to examine S.852, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, 9:30 a.m., SR-325.

April 27, Full Committee, to hold hearings to examine the nomination of Paul D. Clement, of Virginia, to be Solicitor General of the United States, Department of Justice, 9:30 a.m., SD-226.

April 28, Full Committee, business meeting to consider pending calendar business, 9:30 a.m., SD-226.

April 28, Subcommittee on Immigration, Border Security and Citizenship, with the Subcommittee on Terrorism, Technology and Homeland Security, to hold joint hearings to examine the use of technology to protect the borders relating to strengthening border security between the ports of entry, 3 p.m., SD-138.

Select Committee on Intelligence: April 26, closed business meeting to consider certain intelligence matters, 2:30 p.m., SH-219.

April 27, Full Committee, to hold hearings to examine the USA PATRIOT Act, 9:30 a.m., SH-216.

April 28, Full Committee, to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH-219.

Special Committee on Aging: April 27, to hold hearings to examine redefining retirement in the 21st century workplace, 10 a.m., SD-G50.

House Committees

Committee on Agriculture, April 27, Subcommittee on Conservation, Credit, Rural Development and Research and the Subcommittee on General Farm Commodities and Risk Management, joint hearing to Review the impact of Asia Soybean Rust on the U.S. farm sector, 11 a.m., 1300 Longworth,

Committee on Appropriations, April 26, Subcommittee on Science, The Departments of State, Justice, and Commerce, and Related Agencies, on FCC, 1 p.m., H-309 Capitol.

April 26, Subcommittee on the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and Independent Agencies, on U.S. Postal Service, 10 a.m., and on National Archives and Records Administration, 3 p.m., 2358 Rayburn.

April 27, Subcommittee on Foreign Operations, Export Financing, and Related Programs, on State Department FY 2006 Budget Request, 2 p.m., 2359 Rayburn.

April 27, Subcommittee on the Department of Labor, Health and Human Services, Education, and Related Agencies, on Substance Abuse and Mental Health Services Panel: SAMHSA, NIDA, NIMH, and NIAAA, 10:15 a.m., 2358 Rayburn.

April 27, Subcommittee on the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and Independent Agencies, on Federal Railroad Administration and AMTRAK, 10 a.m., 2358 Rayburn.

April 28, Subcommittee on the Department of Labor, Health and Human Services, Education, and Related Agencies, on public witnesses, 10 a.m., 2358 Rayburn.

Committee on Education and the Workforce, April 26, hearing on No Child Left Behind: Supplemental Tutoring for Children in Underachieving Schools, 1:30 p.m., 2175 Rayburn.

April 28, Subcommittee on Employer-Employee Relations, hearing on Challenges to Employer Efforts to Preserve Retiree Health Care Benefits, 10:30 a.m., 2175 Rayburn.

Committee on Energy and Commerce, April 27, Subcommittee on Health, hearing entitled "Long-Term Care and Medicaid: Spiraling Costs and the Need for Reform," 10 a.m., 2123 Rayburn.

Committee on Financial Services, April 28, Subcommittee on Domestic and International Monetary Policy, Trade, and Technology, hearing entitled "Combating Trafficking in Persons: Status Report on Domestic and International Developments," 10 a.m., 2128 Rayburn.

Committee on Government Reform, April 26, Subcommittee on Criminal Justice, Drug Policy and Human Resources, hearing entitled "Drug Prevention Programs and the Fiscal Year 2006 Drug Control Budget: Is the Federal Government Neglecting Illegal Drug Use Prevention?" 2 p.m., 2203 Rayburn.

April 26, Subcommittee on Federalism and the Census, hearing entitled "The 70's Look: Is the Decades-Old Community Development Block Grant Formula Ready for an Extreme Makeover?" 10 a.m., 2154 Rayburn.

April 26, Subcommittee on Federal Workforce and Agency Organization, to consider pending business; followed by a hearing entitled "What is More Scrambled Than an Egg? Answer: The Federal Food Inspection Program," 2 p.m., 2154 Rayburn.

April 27, full Committee, to continue hearings on Steroid Use in Sport Part II: Examining the National Football League's Policy on Anabolic Steroids and Related Substances, 10 a.m., 2154 Rayburn.

April 28, hearing entitled "Who's Watching the COOP? A Re-Examination of Federal Agencies' Continuity of Operations Plans, 2 p.m., 2154 Rayburn.

April 28, Subcommittee on Energy Policy and Natural Resources, hearing entitled "The Role of Nuclear Power Generation in a Comprehensive National Energy Policy, 10 a.m., 2247 Rayburn.

Committee on Homeland Security, April 26, Subcommittee on Intelligence, Information Sharing, and Terrorism Risk

Assessment, to mark up The Homeland Security Information Sharing and Enhancement Act of 2005, 2:30 p.m., 2128 Rayburn.

April 27 and 28, full Committee, to consider the Department of Homeland Security Authorization Act of Fiscal Year 2006, 10 a.m., 2118 Rayburn.

Committee on International Relations, April 26, Subcommittee on Africa, Global Human Rights and International Operations, hearing on Malaria and TB: Implementing Proven Treatment and Eradication Methods, 2 p.m., 2172 Rayburn.

April 26, Subcommittee on Europe and Emerging Threats, to mark up the following: H.Res. 195, Recognizing the 60th anniversary of Victory in Europe (VE) Day and the Liberation of Western Bohemia; and a resolution Recognizing the 60th anniversary of Victory (V-E) Day during World War II, 6 p.m., 2200 Rayburn.

April 27, full Committee, hearing on Millennium Challenge Account: Does the Program Match the Vision? 10:30 a.m., 2172 Rayburn.

April 27, Subcommittee on Europe and Emerging Threats, hearing on Islamic Extremism in Europe, 1 p.m., 2172 Rayburn.

April 28, Subcommittee on Asia and the Pacific and the Subcommittee on Africa, Global Human Rights and International Operations, joint hearing on The North Korean Human Rights Act of 2004: Issues and Implementation, 1:30 p.m., 2172 Rayburn.

April 28, Subcommittee on International Terrorism and Nonproliferation, hearing on Previewing the Nuclear Nonproliferation Treaty Review Conference, 10 a.m., 2172 Rayburn.

April 28, Subcommittee on Oversight and Investigations, hearing on The Role of BNP-Paribas SA (Banque National de Paris) in the United Nations Oil-for-Food Program, 2 p.m., 2200 Rayburn.

Committee on the Judiciary, April 26, Subcommittee on Crime, Terrorism, and Homeland Security, oversight hearing on the Implementation of the USA PATRIOT Act: Sections of the Act that Address-Foreign Intelligence Surveillance Act (FISA). (Part 1)—Section 204: Clarification of Intelligence Exceptions from Limitations on Interception and Disclosure of Wire, Oral, and Electronic Communications; Section 207: Duration of FISA Surveillance of Non-United States Persons who are Agents of a Foreign Power; Section 214: Pen Register and Trap and Trace Authority Under FISA; Section 225: Immunity for Compliance with FISA Wiretap; and Lone Wolf, 10 a.m., 2141 Rayburn.

April 26, Subcommittee on Crime, Terrorism, and Homeland Security, hearing on the Secure Access to Justice and Court Protection Act of 2005, 2 p.m., 2141 Rayburn.

April 27, full Committee, to continue mark up of H.R. 800, Protection of Lawful Commerce in Arms Act; and to mark up H.R. 554, Personal Responsibility in Food Consumption Act, 10 a.m., 2141 Rayburn.

April 28, Subcommittee on Courts, the Internet, and Intellectual Property, to continue oversight hearings entitled "Committee Print Regarding Patent Quality Improvement," (Part 2) 12 p.m., 2141 Rayburn.

April 28, Subcommittee on Crime, Terrorism, and Homeland Security, oversight hearing on the Implementation of the USA PATRIOT Act: Sections of the Act that Address Foreign Intelligence Surveillance Act (FISA) (Part 2)—Section 206: Roving Surveillance Authority Under the Foreign Intelligence Surveillance Act of 1978; and Section 215: Access to Records and Other Items Under the Foreign Intelligence Surveillance Act, 9:30 a.m., 2141 Rayburn.

April 28, Subcommittee on Crime, the Internet, and Intellectual Property, oversight hearing/hearing on the Implementation of the USA PATRIOT Act: Section 218, Foreign Intelligence Information ("The Wall"), 2:30 p.m., 2141 Rayburn.

Committee on Resources, April 26, Subcommittee on Fisheries and Oceans, hearing on H.R. 1428, National Fish and Wildlife Foundation Reauthorization Act of 2005, 1 p.m., 1324 Longworth.

April 27, full Committee, oversight hearing entitled "Tribal proposals to acquire land-in-trust for gaming across state lines and how such proposals are affected by the off-reservation discussion draft bill, "10 a.m., 1324 Longworth.

April 27, Subcommittee on Forests and Forest Health, oversight hearing on Reforestation Problems on National Forests: A GAO Report on the Increasing Backlog, 2 p.m., 1324 Longworth.

April 28, Subcommittee on Energy and Mineral Resources, oversight hearing on Improving the Competitiveness of America's Mining Industry," 10 a.m., 1334 Longworth.

Committee on Rules, April 26, to consider H.R. 748, Child Interstate Abortion Notification Act, 5:15 p.m., H-313 Capitol.

Committee on Science, April 27, Subcommittee on Energy, hearing on Science and Technology Priorities for the Department of Energy in Fiscal Year 2006, 10 a.m., 2318 Rayburn.

April 28, full Committee, hearing on NASA Earth Science, 10 a.m., 2318 Rayburn.

Committee on Small Business, April 27, hearing entitled "Closing the Tax Gap and the Impact on Small Businesses, 2 p.m., 311 Canon.

April 28, Subcommittee on Regulatory Reform and Oversight, hearing on the Administration's Program To Reduce Unnecessary Regulatory Burden on Manufacturers—A Promise to be Kept? 10:30 a.m., 311 Canon.

Committee on Transportation and Infrastructure, April 27, to consider the following measures: H.R. 889, Coast Guard and Maritime Transportation Act of 2005; H.R. 1410, Delaware River Protection Act of 2005; H.R. 1496, To return general aviation to Ronald Reagan Washington National Airport; H.R.1630, Amtrak Reauthorization Act of 2005; and H.R. 1631, Rail Infrastructure Development and Expansion Act for the 21st Century, 11 a.m., 2167 Rayburn.

April 28, Subcommittee on Railroads, oversight hearing on New Technologies for Rail Safety and Security, 10 a.m., 2167 Rayburn.

Committee on Ways and Means, April 25, to mark up H. Res. 170, Of inquiry requesting the President to transmit

certain information to the House of Representatives respecting a claim made by the President on February 16, 2005, at a meeting Portsmouth, New Hampshire, that there is not a Social Security trust, 8 p.m., 1100 Longworth.

Permanent Select Committee on Intelligence, April 28, executive, Briefing on Oversight Subcommittee Activity Update, 9 a.m.; followed by, executive, Briefing on Global Updates, 9:30 a.m., H-405 Capitol.

April 28, executive, Briefing on Global Updates, 9:30 a.m., H-405 Capitol.

Joint Meetings

Joint Meetings: April 28, Senate Committee on the Judiciary, Subcommittee on Immigration, Border Security and

Citizenship, to hold joint hearings to examine the use of technology to protect the borders relating to strengthening border security between the ports of entry, 3 p.m., SD-138.

Joint Meetings: April 28, Senate Committee on the Judiciary, Subcommittee on Terrorism, Technology and Homeland Security, to hold joint hearings to examine the use of technology to protect the borders relating to strengthening border security between the ports of entry, 3 p.m., SD-138.

Joint Economic Committee: April 28, to hold joint hearings to examine medical liability reform, 10 a.m., 2226 RHOB.

Next Meeting of the SENATE

2 p.m., Monday, April 25

Senate Chamber

Program for Monday: Senate will resume consideration of the motion to proceed to consideration of H.R. 3, Transportation Equity Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

12 noon, Monday, April 25

House Chamber

Program for Monday: The House will meet at 12 noon on Monday, April 25 in pro forma session.

Extensions of Remarks, as inserted in this issue

HOUSE

Andrews, Robert E., N.J., E735
 Berman, Howard L., Calif., E739
 Bishop, Timothy H., N.Y., E736
 Boustany, Charles W., Jr., La., E735
 Cantor, Eric, Va., E745
 Cardin, Benjamin L., Md., E748
 Costa, Jim, Calif., E747
 Costello, Jerry F., Ill., E739
 Cramer, Robert E. (Bud), Jr., Ala., E740, E741, E742
 Cuellar, Henry, Tex., E740, E741, E742, E743, E744,
 E745, E746, E747, E748, E748
 Cummings, Elijah E., Md., E735
 Cunningham, Randy "Duke", Calif., E734
 Diaz-Balart, Lincoln, Fla., E736
 Emanuel, Rahm, Ill., E741
 Farr, Sam, Calif., E747
 Feeney, Tom, Fla., E733
 Garrett, Scott, N.J., E749, E750

Gerlach, Jim, Pa., E741, E749
 Gingrey, Phil, Ga., E740
 Gordon, Bart, Tenn., E744
 Green, Gene, Tex., E751
 Hastings, Doc, Wash., E736
 Hinchey, Maurice D., N.Y., E748
 Holt, Rush D., N.J., E743
 Hooley, Darlene, Ore., E736
 Issa, Darrell E., Calif., E749
 Jackson-Lee, Sheila, Tex., E733
 Johnson, Timothy V., Ill., E733
 Kanjorski, Paul E., Pa., E734
 Kennedy, Patrick J., R.I., E744
 Lee, Barbara, Calif., E750
 Lewis, Ron, Ky., E750
 LoBiondo, Frank A., N.J., E743
 Lofgren, Zoe, Calif., E746
 McNulty, Michael R., N.Y., E738
 Maloney, Carolyn B., N.Y., E739
 Matsui, Doris O., Calif., E738

Meehan, Martin T., Mass., E735
 Moran, James P., Va., E744
 Moran, Jerry, Kans., E746
 Norton, Eleanor Holmes, D.C., E741
 Obey, David R., Wisc., E745
 Otter, C.L. "Butch", Idaho, E742
 Payne, Donald M., N.J., E743
 Petri, Thomas E., Wisc., E734
 Rangel, Charles B., N.Y., E733
 Reyes, Silvestre, Tex., E750
 Rothman, Steven, R., N.J., E737
 Ryan, Paul, Wisc., E737, E750
 Salazar, John T., Colo., E747
 Schakowsky, Janice D., Ill., E740
 Shays, Christopher, Conn., E745
 Smith, Christopher H., N.J., E751
 Solis, Hilda L., Calif., E751
 Souder, Mark E., Ind., E739
 Tiahrt, Todd, Kans., E737
 Weiner, Anthony D., N.Y., E738



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