

would end the current practice of exempting all mandatory spending and tax cuts assumed in the budget resolution from the pay-as-you-go rule, and extend the Senate pay-go rule currently set to expire in 2008 through fiscal year 2015.

The bill would also reinstate sequestration, across-the-board spending cuts, to enforce pay-go and discretionary spending limits. Legislation that exceeds fiscal year 2005 discretionary spending caps, as well as mandatory spending and tax legislation that would increase the deficit, would trigger sequesters. The bill also expresses the sense of the Senate that a statutory discretionary spending limit should be enacted for 2006 to prevent passing more debt on to our children.

The bill would also limit the use of the Senate's fast-track "reconciliation" procedures, which cut off debate after only 20 hours, to deficit reduction legislation. Legislation that would increase the deficit could still be considered in the Senate, but could not be expedited using reconciliation procedures. This would restore reconciliation to its original purpose of deficit reduction, and ensure that any legislation increasing deficits is subject to full scrutiny, debate, and consideration in the Senate.

In addition, the legislation would prohibit the fast-tracking of Congressional budget resolutions that contain a reconciliation instruction that would worsen the deficit. Any budget resolution that includes an instruction to a committee to increase the deficit would be subject to unlimited debate rather than limited to 50 hours.

We must return our Nation to a path of fiscal responsibility. We must put an end to these record deficits and record debt. This legislation presents a clear test of whether we are serious about putting our fiscal house back in order. I urge my colleagues to support this legislation.

THE PASSING OF NEBRASKA'S JOHNNY CARSON

Mr. HAGEL. Mr. President, I rise to express my sympathy over the loss of Nebraska's Johnny Carson, the 30-year host of the "Tonight Show" and a dedicated Nebraska philanthropist. He passed away yesterday at the age of 79 in his Malibu, CA home.

Johnny Carson was a Nebraska original and an American icon. He elevated the late night talk show to an art-form and he did it with class and fun. Carson will be remembered as a generous individual who was proud of his State.

After serving in the Navy during World War II, Carson attended the University of Nebraska at Lincoln, UNL, and earned a bachelor of arts degree in radio and speech. As a student, Carson practiced his comedy and perfected his ability to perform card and magic tricks. His experiences at UNL greatly influenced his career in entertainment.

Carson made many significant contributions to Nebraska. Among them a

\$2.27 million donation to a cancer radiation center in Norfolk and last November, he donated \$5.3 million to UNL to help with the renovation of a building where he took classes.

I had the opportunity over the years to meet Carson. In 1967, he returned to Nebraska for the State's Centennial celebration. He was invited by the Governor to headline the gala with his former Omaha radio morning show co-host Harvey Swenson. Swenson was the manager of KLMS radio station in Lincoln, where I worked at the time. Carson came to the station and talked with all of us about his early days in Nebraska radio.

After Carson graduated from high school, his parents moved from Norfolk to Columbus, NE, where I lived. I would occasionally see Carson walking his dogs in Columbus when he would visit his parents during the summers.

America will miss this good man, Johnny Carson. We are all very proud of him—of what he represented and where he came from. I ask my colleagues to join me and all Americans in honoring Johnny Carson.

THE 32ND ANNUAL MARCH FOR LIFE

Mr. HAGEL. Mr. President, today is the 32nd Annual March for Life on Washington, DC's National Mall. Individuals from all over the Nation will march together in solidarity, despite the bitterly cold weather, in support of the most basic of human rights: the right to life. The March for Life is an important opportunity to demonstrate a firm and clear commitment to preventing abortion and protecting the rights of each unborn child.

Today I met with 35 representatives from Nebraskans United for Life and Creighton University. They are committed to promoting the right to life for all human beings and work tirelessly to ensure that this issue remains at the forefront of debate.

I strongly support the efforts of the National Right to Life Committee. The March for Life is a powerful reminder of the progress that has been made and the work that remains for the pro-life cause.

Above all, we should focus on education, including the encouragement of abstinence and adoption. Communities, churches, synagogues and families must continue to come together to help provide a strong source of support and counsel for young men and women as they become adults.

HEALTH CARE

Mr. ENZI. Mr. President, rising health care costs and access to affordable health insurance are among the biggest worries Americans face today.

Health care costs are increasing faster than any other basic service in American society. Today, 44 million Americans lack health insurance at any given point during the year, and

between 20 to 30 million of them are chronically uninsured.

My Republican colleagues and I will soon be introducing one of our priority bills for the coming Congress. This legislation, the Healthy America Act of 2005, will bring together an aggressive and innovative set of health care solutions. These solutions build on the already impressive health care record of the last Congress—principally delivering Medicare prescription drug coverage to seniors and making tax-free health savings accounts available to all Americans.

Our bill will include many of President Bush's health care reform priorities, as well as the proposals developed last year by the Senate Republican Task Force on Health Care Costs and the Uninsured, of which I was proud to be a member.

At the heart of this legislation are measures aimed at restraining health care costs, increasing access to care, and improving health care quality.

Toward this end, one of our—and the President's—topmost priorities is comprehensive reform of America's costly, unfair, and chaotic medical liability system. Our bill will ensure fair and rapid compensation to injured patients, reduce frivolous lawsuits, and limit excessive and costly damage awards.

Also especially important, I believe, is the creation of a new national framework for establishing personal electronic health records and for exchanging health information securely and privately. As the new chairman of the Senate Health, Education, Labor and Pensions Committee I will be working closely with my colleagues in the coming months to develop legislation that will speed the adoption of standards and enable systems to "talk" to each other—reforms that eventually will save billions of dollars and, potentially, many thousands of lives.

Other critical features of this legislation include a commitment to reforming the struggling small group and individual health insurance markets, expanding the availability of health savings accounts, HSAs, creating targeted tax credits to help Americans purchase private health insurance, and expanding America's Community Health Centers and related facilities.

Mr. President, this legislation will be a solid foundation and a promising beginning as we begin this new Congress. Together with my colleagues and with the President, I will work tirelessly to assure that health care costs, access, and quality are at the forefront of our priorities in the weeks and months ahead.

CONFIRMATION OF MARGARET SPELLINGS AS SECRETARY OF EDUCATION

Mr. HATCH. Mr. President, I rise today to express my support for Ms. Margaret Spellings as our new Secretary of Education.

This is a key position at a key time. As I travel around the great State of

Utah, there is no single issue area of greater concern than education. I am proud of the way Utah has been educating the children of my State. Our schools and teachers are among some of the best anywhere. Although we spend less per student than many other States, we are getting a great bang for our buck.

As a strong supporter of education, I have been pleased to play an active role in every piece of education reform legislation that has come before the Congress in the past 28 years. I attended public schools, as did my children and now my grandchildren, and I have faith in our Nation's schools. I look forward to working closely with Ms. Spellings and the Department of Education, particularly as I return to the Senate Committee on Health, Education, Labor, and Pensions.

I have been impressed by the President's complete confidence in Ms. Spellings and her ability to serve our Nation and its most valuable asset, our children, as our top educator.

While Ms. Spellings' credentials and experience are very impressive, none is greater than her role as a mother and primary educator of her two daughters, Mary and Grace. Without a doubt, the home is the greatest classroom.

We are all aware of Ms. Spellings' background of service in Texas as chief education advisor to then-Governor George W. Bush. I have been pleased to work with Ms. Spellings during the past four years in her capacity as the Assistant to the President for Domestic Policy. Since the announcement of her nomination by President Bush, I have received numerous letters in support of Ms. Spellings by various groups and individuals concerned about education issues.

Education is the hallmark of domestic issues. While I believe our Nation's education system ranks among the finest in the world, we can still make improvements. Funding for schools is vital, and I have consistently supported federal funding to assist our Nation's teachers, schools, and students. I will continue to support programs to enrich and improve our school system.

Ms. Spellings has indicated her strong commitment to the No Child Left Behind Act, NCLB, signed into law by President Bush on January 8, 2002. I have been supportive of NCLB. Even those who don't agree with everything in NCLB agree that they are now focused on making sure every child is progressing, and they are using innovative approaches to tracking student achievement and motivating them to meet the new standards.

For example, an inner-city school in Utah with a large number of students in low-income, non-English-speaking families is using funds from NCLB to purchase a student tracking database that shows how each child is doing in each subject with every teacher. They know who needs the extra help and in what areas. They are enlisting the support of parents, teachers, and the com-

munity to make sure that these kids get the help they need. And they are having great results. Test scores are up. Honor roll is up. Parents are more satisfied. Students are taking pride in their education. And, that's what NCLB is all about.

Of course, this does not mean the law is perfect. We need to fund it better, and too many schools do not make Annual Yearly Progress or AYP because they just do not understand what is required, or misinterpreted the law. I think it is going to take some time to adjust. We need to continue to do what is working in NCLB and look at what is not.

Utah has been in the forefront of the debate and was one of the first States to make moves toward possibly opting out of No Child Left Behind, due in part to concerns about retaining State control and objections to federal mandates without sufficient funding.

Make no mistake, I am a strong advocate for local control of education and want to make sure that there is sufficient flexibility for our States. I trust that the Department of Education will keep open lines of communication with the States and localities as we work together to ensure that truly no child is left behind.

I was particularly pleased that during her hearing before the Senate HELP Committee, Ms. Spellings accepted my invitation to personally visit Utah to meet with legislators and educators there. We look forward to her visit.

With her confirmation, Ms. Spellings will replace Secretary Roderick Paige. I would like to take a moment to note outgoing Secretary Roderick Paige's service. During his tenure, he led the implementation of major education reforms. He showed great commitment to providing our children a quality education, notwithstanding their circumstances, thereby honoring the pledge to leave no child behind. While so doing, Secretary Paige demonstrated willingness to consider certain adjustments in an effort to align the implementation of the No Child Left Behind Act with the intent of the law. We thank him for his service.

Without a doubt, Ms. Spellings has many challenges ahead, but I am confident that she will serve our country with dedication and distinction.

I yield the floor.

IN HONOR OF DR. MARTIN LUTHER KING, JR.'S BIRTHDAY

Mr. LAUTENBERG. Mr. President, I ask that this statement be inserted in the proper place in the RECORD.

I rise today to honor the life and legacy of Reverend Dr. Martin Luther King, Jr.

While I participated in an event commemorating the life of Dr. King at the Morning Star Community Tabernacle Church in Linden, New Jersey, I felt it was important to pay tribute to the life and legacy of this extraordinary

American on the first legislative day of this 109th Congress.

The impact of Dr. King's life, actions and deeds is just as great today as it was 36 years ago, when his life was taken from us. Dr. King accomplished so much in his short life; he was a pastor, civil rights activist and leader, Nobel Peace Prize recipient, Time magazine's Man of the Year, and in many ways, the emancipator of all Americans.

Dr. King's adherence to nonviolence in the pursuit of social justice left an indelible mark on our nation's history and conscience. Clearly, much progress has been made in the struggle for civil rights, equality and social justice. We rightly pay tribute to the civil rights accomplishments to date, and we rightly attribute much of that progress to Dr. King.

But there is still much to do. And sadly, the current administration has had a disappointing record on civil rights and has shown little interest in shouldering leadership responsibility on these important issues.

Two years ago, on the week before we celebrated the birthday of Dr. King, Jr., President Bush intervened in a case before the United States Supreme Court in an effort to destroy affirmative action, which is effectively "equal education rights" for African Americans and other minority groups.

The case involved the University of Michigan program which used race as one factor among many when selecting incoming students. I joined other United States Senators in an amicus brief in support of the University of Michigan affirmative action program. Thankfully, in its first ruling on affirmative action in higher education admissions in 25 years, the nation's highest court ruled on June 23, 2003, that race can be used in university admission decisions. Justice Sandra Day O'Connor was the eventual deciding vote in the case, saying that affirmative action is still needed in America—but hoped that its days are numbered.

Last year, on Dr. King's 75th birthday, President Bush went to Atlanta and laid a wreath at Dr. King's grave. The very next day, despite protest from the civil rights community and against the expressed will of the Senate, President Bush recess appointed Judge Charles Pickering to the Fifth Circuit Court of Appeals.

President Bush cast aside several significant concerns of the African American and civil rights community. Some of these concerns included: Judge Pickering's support as a State Senator in the 1960s for the Mississippi Sovereignty Commission, which was established to prevent the implementation of *Brown v. Board of Education*; Judge Pickering's opposition as a legislator and Federal judge to voting rights for African Americans; and Judge Pickering's disturbing positions as a Federal judge on two of the key protections of equal voting rights for all Americans—the one person-one vote